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BALTIMORE

CONTENTS OF VOLUME III.

	PAGE.
ACADIANS TRANSPORTED TO MARYLAND, THE. Basil Sollers. (Read	
before the Society, April 8, 1907),	1
ATTACK ON CRESAP'S HOUSE,	21
Admiral of Maryland. Calvert Papers,	277
AFTER-STORY OF THE GOOD INTENT. Richard D. Fisher, -	386
"Babylon's Fall." Leonard Strong. (From the original in the	
British Museum),	228
BENEDICT LEONARD CALVERT. Bernard C. Steiner. (Read before the Society in 1908), 191	, 283
CONFERENCE BETWEEN PENN AND TALBOT,	21
Correspondence,	185
CASE OF THE GOOD INTENT, THE. Contributed by Richard D.	
Fisher, 141, 240	, 342
Correspondence with Governor Bradford. Contributed by William	
Starr Meyers,	176
Committees of Observation (Note),	387
DENIZATION OF AUGUSTINE HERMAN. Contributed by Mendes Cohen,	170
FIRST GRANTS ON THE PATAPSCO. Charles Weathers Bump. (Read	
before the Society in 1904),	51
FIRST LAND GRANTS IN MARYLAND. Calvert Papers, -	158
JOURNAL OF CAPT. WILLIAM BEATTY. From the Society's Collections,	104
LETTER OF GEORGE PEABODY. Contributed by Mendes Cohen,	119
LETTER OF GOVERNOR OGLE. Calvert Papers,	127
List of Members,	84
MARYLAND PRIVATEERS IN THE REVOLUTION. Bernard C. Steiner, -	99
MARYLAND GLEANINGS. Lothrop Withington,	181
MARYLAND SIGURD, A. Baltimore Co. Records,	279
Notes,	188
NEW YARMOUTH. Peregrine Wroth. (Read before the Society in 1871),	273
PRIVATEER LAWRENCE, THE. Contributed by Richard D. Fisher,	171
PROCEEDINGS OF THE PAROCHIAL CLERGY. Calvert Papers, - 257	, 364
Proceedings of the Society, 280	, 388
iii	

CONTENTS.

	PAGE.
REVIEW OF Maryland; the Land of Sanctuary. (William T. Russell.)	
Clayton C. Hall,	61
REQUEST FOR A CHURCH. From MS. in Bodleian Library,	179
REPORT OF THE ANNUAL MEETING OF THE MARYLAND HISTORICAL	
Society,	74
SMITH FAMILY OF CALVERT COUNTY, THE. Christopher Johnston, 66,	384
STANDARD-BEARER OF MARYLAND. Calvert Papers,	277
Two Maryland Heroines. William H. Love. (Read before the So-	
ciety in 1907),	133

MARYLAND

HISTORICAL MAGAZINE

Vol. III.

MARCH, 1908.

No. 1

THE ACADIANS (FRENCH NEUTRALS) TRANSPORTED TO MARYLAND.

BASIL SOLLERS.

By the aid of the Maryland Gazette, that invaluable source of light upon Maryland affairs for thirty years before the American Revolution, let us try to realize something of the condition of thought and feeling in the Province of Maryland in the Fall of the memorable year 1755, when Lisbon Town

"Saw the earth open and gulp her down,
And Braddock's Army was done so brown,
Left without a scalp to its crown."

We will begin with some stanzas from "A Recruiting Song for the Maryland Independent Company" written by an officer of the Company in Sept., 1754.

> Over the Hills with Heart we go, To fight the proud insulting Foe; Our Country calls, and we'll obey Over the Hills, and far Away.

> > Chorus: Over the Mountains' dreary Waste, To meet the Enemy we haste, Our King commands and we'll obey Over the Hills and far away.

No Popery nor Slavery,
No arbitrary Pow'r for me.
But Royal George's righteous Cause
The Protestant and British Laws.
Chorus: Over the Mountains' dreary Waste.

Whoe'er is bold, whoe'er is free Will join and come along with me; To drive the French without delay, Over the Hills, and far Away.

Chorus: Over the Rocks, and o'er the steep,
Over the Waters wide and deep,
We'll drive the French without delay,
Over the Lakes and far away.

On fair Ohio's Banks we Stand,
Musket and Bayonet in Hand;
The French are beat, they dare not stay,
But trust to their Heels and run away.

Chorus: Over the Rocks, and o'er the steep.

The Gazette of July 17, 1755, says: "We have been filled with concern and a melancholy diffus'd on some Reports which have been brought to Town of General Braddock's Army having met with a severe Blow from the French and Indians, but the Reports are so vague and uncertain, that we cannot insert them, as they clash and are contradictory, and leave some room to hope that his Excellency may yet be well, and instead of being conquered, be the conqueror. For knowing truly the Event, we must submit to Time, and next week our Readers may expect a further account." In the issue of July 24, more is known of "that melancholy affair" of the 9th instant, and "subscription papers having been handed about to raise a sum of money towards defending our Frontier Inhabitants," a thousand pounds was subscribed in a few days in Anne Arundel Co. alone. the Gazette of July 31 details have arrived of the scalping and plundering, and killing of prisoners by the Indians. The editor breaks out in parentheses "[Oh Horrid Barbarity! to kill in cold Blood; But, Protestant Reader, such is the Treatment we may expect to receive from his most Christian Majesty's American Allies, if we should be so unhappy as to fall into their Hands, except we give up our Religion, Liberty, and every Thing that is dear and valuable, and submit to be his Vassals, and Dupes to the Romish Clergy, whose most tender Mercies are but hellish cruelties, wherever they have power to exercise them]."

Terror seems for a time to have taken possession of the people and all sorts of rumors were circulated and believed. Master of a ship waiting for freight was accused of having brought in warlike stores for the French and Roman Catholics and offers a reward for the discovery of the author of the scandalous and malicious lies. Under Boston news is published Sept. 4 an extract from a letter, dated July 27, from a Gentleman in New York to a friend in Boston. "The Western Colonies are in great Consternation and Tumult, the Mob were with Great Difficulty prevented from pulling down the Mass-House in Philadelphia; the Papists having shown some joy upon the News of the Defcat. At Lancaster, where they abound, Night Watches are regularly kept. Pennsylvania is truly in a hopeful Condition; these are early Proofs of the little Reason they had for boasting of their sudden Growth, by the Importation of Foreigners from Germany; and the Quakers are a blessed Ballance."

Scpt. 4 the Gazette publishes an account of the number of people on the continent exclusive of military forces in pay of the Government and Negroes. According to this account, the English Colonies from Halifax to Georgia have 1,050,000 inhabitants, Maryland having 85,000, and the French have but 52,000, of which 45,000 are in Canada and 7,000 in Louisiana, "so that the English are more than in the proportion of 20 to 1; but (in the words of a memorial quoted by the author of the State of the British and French Colonies in North America) 'Union, Situation, proper Management of the Indians, superior Knowledge of the Country, and constant Application to a Purpose, will more than ballance divided numbers, and will easily break a Rope of sand.'"

During the months of October and November the excitement was on the increase and companies were being organized and marched to the assistance and defence of our distressed friends of the back parts of the Province, from which the inhabitants were flocking in great number "to the more thick settled parts." Oct. 23 Capt. Alexander Beall and Lieutenant Samuel Wade Magruder had marched with 31 Volunteers from the lower part of Frederick Co. (now Montgomery Co.) toward the Western frontiers, and Col. Henry Ridgely will take the same route next Saturday, and on Monday next "a party of volunteers of about 60 young hearty men will set out for the Westward from Prince George's Co." Thursday, Nov. 6, the excitement had not abated. The companies were on the march. Alarming accounts of the damage done by the French and their Indians were frequent. There was room to hope they were told with exaggeration; but "it was certain that they frequently commit murders, and laid much of the county waste, and that they draw nigher and nigher." "We are now about entrenching the Town" (Annapolis), says the editor. "If the Gentlemen in the Neighborhood of Annapolis were to send their force to assist in it, a few days would complete the work."

An alarmed correspondent wrote:

"The Indian Enemy now are within a little way of us, and while the main body keep together, 'tis very possible, nay highly probable, that a small Party of Twenty or Thirty of these, marching in the Night, and skulking in the Day-time, may come upon us unaware in the Dead of night, burn our Houses, and Cut our Throats, before we can put ourselves in any posture of Defence."

Thursday, Nov. 13. The Gazette says: "Upon the spreading of a Report last Thursday (which proved to be false)"—this was the date of the above communication—"that a great number of French and Indians were within thirty miles of Baltimore Town, a great Number of Men, well arm'd immediately resorted thither to their Defence and Assistance, and it is said that near Two Thousand resolute men would have been in the

Place, by Friday night or Saturday morning, to have gone against the Enemy, if they had not been stopp'd by the contradicting the Report." "From almost every Part of the Province we have accounts of great numbers of People assembling with their arms on the above Report." "Such numbers of false Reports and alarms may be a sufficient excuse for publishing the following Fable," adds the editor, and thereupon we have the story of the shepherd boy who cried Wolf! Wolf!

This it seems was the high water mark of the excitement, for in the issue of the *Gazette* for Thursday, Dec. 4, the announcement is made that "last Saturday several of the Gentlemen of our neighborhood, who lately went out Volunteers to the Westward, returned home again, having seen no Indians, except one, and he was very quiet, for they found him dead."

While the minds of the people of Maryland were occupied with these real or imaginary dangers so near at hand, some items of news had appeared from time to time in the *Gazette* which doubtless attracted some attention of the kind usually paid to affairs occurring at a distance, but which more nearly concern our subject.

On Sept. 4 a dispatch from Halifax was copied from the Boston paper of Aug. 18.

"That it being determined to remove the French Inhabitants, Seven Thousand of them are to be disposed of among the British Governments between Nova Scotia and Georgia; for which Purpose all the Vessels in Halifax fit for that service are taken up, and Orders are come to Town to engage as many Vessels as will earry two Thousand Persons."

Sept. 11 an extract appears from a letter dated Halifax, Aug. 9: "We are now upon a great and noble Scheme of sending the Neutral French out of this Province, who have always been secret Enemies, and have encouraged our Savages to cut our Throats. If we effect their Expulsion, it will be one of the greatest Things that ever the English did in America, for by all the accounts that Part of the Country they possess is as good Land as any in the World. In case therefore we

could get some good English Farmers in their Room, this Province would abound with all kinds of Provisions."

Scpt. 25 we have news from Boston, dated Sept. 8.

"Last weck several Vessels arrived here from Halifax, and by Letters from Gentlemen of the best Intelligence there, we are told that in three Weeks' Time all the French in Nova Scotia would be removed out of the Province, but to what place not known... That Col. Monckton had orders to destroy every French vessel, Boat or Canoe he could find in any Harbour, Bay, Creek or River in the Province to prevent the Inhabitants from making their Escape. That nine Transports were gone to Minas, to take as many of the Neutrals as they could carry, and that three Priests or Jesuits had been taken and sent to Halifax, and put on board the Admiral's ship for security, in order to be sent to England."

I have presented the course of events, the rumors, items of news, etc., which came to the people of Maryland through their only public source of information, the Maryland Gazette, in order to indicate the state of feeling toward these French Catholic enemics, which might be expected to exist in the minds of men who had long considered the French as their principal national opponents, and the Catholics as uncompromising foes to their religion. It is not my intention to enter, except briefly, into the reasons given for expelling the French Neutrals, nor at all into the question of the motives of those who determined upon the act and carried it into execution.

In consequence of the refusal of the Acadians to take the oath of allegiance to his Britannic Majesty without the qualification that they were not to be required to perform military service, a service which might array them in arms against their fellows in race and religion, it was determined by the Governor and Council to send all the French inhabitants out of the Province, and to distribute them among the several Colonies on the Continent. From the time of the treaty of Utrecht which put them under the English rule, they had been allowed to take the oath with the conditions which their conscientious scruples

required. One expression used to the deputies upon their refusal to take the oath without qualification should be noted before leaving this portion of the subject.

"They were then informed that as they had now for their own particulars refused to take the oath as directed by law, and thereby sufficiently evinced the sincerity of their inclination towards the Government, the Council could no longer look on them as subjects to his Britannic Majesty, but as subjects to the King of France, and as such they must hereafter be treated."

Col. Winslow, of Massachusetts, was put in charge of securing and embarking the inhabitants of Grand Pré and adjacent parts. His report mentions two vessels whose destination was Maryland. These were the Leopard, 87 tons burden, Thomas Church, master, and the Elizabeth, 93 tons burden, Nathaniel Milbury, master. The orders were that two persons per ton burden were to be placed upon the transports. Leopard received 178, an excess of 4, and the Elizabeth 242, an excess of 56 over her complement. The crowding more than her complement on board a transport was a double injury to these involuntary passengers. It made their situation less comfortable and more dangerous to health, and at the same time prevented them from carrying with them as much of their household goods as they otherwise could have done. They were allowed to take with them their money and only such clothing, bedding, etc., as could be embarked without overcrowding the vessels. These transports were ready on the 11th of October.

The Ranger, 90 tons burden, Francis Peirey, master, and the Dolphin, 87 tons burden, Zebad Farman, master, received respectively, 263 and 230 passengers, or 83 and 56 over their complements according to tonnage. These were embarked from Peziquid, under the direction of Capt. Murray. This makes 420 from Grand Pré and 493 from Peziquid, a total of 913 passengers for Maryland, who had been declared the King's prisoners.

The allowance of provisions directed in one order by Gov. Lawrence to be put on board the transports was one pound of flour and a half pound of bread per day for each person, and a pound of beef per week to each. In the instructions to Col. Winslow of August 11 by the same Governor Lawrence, five pounds of flour and one pound of pork for every seven days is the rate given.

The sailing orders to the captains of vessels were as follows:

"To Capt. Thomas Church, commander of the Schooner Leopard. Sir.—You have rec'd on Board your Schooner One Hundred and Seventy-Five Men, Women and Children, being part of the French Inhabitants of the Province of Nova Scotia. You are to Proeeed with them when wind and weather Permits to his Majesty's Government of Mary Land, and upon your arrival there you are to waite on the Honble Horatio Sharpe, Esqr., Lieut. Governor and commander in chief of that His Majesty's collony or other Commander in Chief for the time being & Deliver to him the Packett herewith sent, and make all Possible Despatch in Debarking your Passengers, and obtaining Certificates according to the Forms Inclosed to sd Govrs, and you are to take care that no arms or offensive weapons are on Board with your Passengers, and to be Careful & Watchful as Possible Dureing the whole Corse of your voyage to Prevent the Passengers from making an attempt to Seize your Vessel by allowing only a small number to be on the Deck at a Time, and using all other necessary Precautions to Prevent the Bad consequences of such an attempt, and you are also to see that the Provisions be regularly Issued to the People agreeable to Mr. Souls 1 Instructions which he will deliver you, and for your Greater Security you are to waite on . Dudley Diggs, Esqr., Commander of his Majesty's Ship Nightengill & Desire the Benefit of his eonvoye. Wish you a successful voyage.

¹Mr. George Soul was appointed by Gov. Lawrence to act as Agent Victualler.

"Given under my hand at the Camp at Grand Pré, Nova Scotia, the 13th Day of October, Anno Domini 1755.

"JOHN WINSLOW."

The same sailing orders were received by Capt. Milbury, whose vessel, the *Elizabeth*, was reported by Winslow as containing 186 passengers, though before sailing it is stated she had 242. Some light may be thrown upon this by a letter from Capt. Murray to Col. Winslow, dated Fort Edward, Oct. 19, entreating that additional transports be sent with all dispatch. "I am afraid," he says, "the Govr. will think me dilatory. My people are all ready, and if you think I may venture to put the Inhabitants on Board Davis (Captain of the Sloop Neptune) I will do it. Even then with the three ships and his schooner they will be stowed in Bulk, but if I have no more vessels I will put them all aboard, let the consequences be what it will." We have already seen that the Dolphin and Ranger, the two vessels loaded by Capt. Murray for Maryland, had 56 and 83 more than their tonnage allowance.

Nov. 5, 1755, six transports with French neutrals on Board were lying in the harbor of Boston, having met with a furious gale after their departure from Mines Basin, and entered to seek shelter. Two of these vessels were the Dolphin and the Ranger, bound for Maryland. A Report was made by order of the Council into the state of the French on board these six transports. The passengers on board one are "well in general," on another, healthy but complain of short allowance, on a third, healthy but complain of short allowance of water; a fourth, the Neptune, Capt. Davis, healthy, tho' about 40 lie upon the deck. The other two vessels are the Dolphin and the Ranger, bound for Maryland. The passengers on the Dolphin are "sickley, occasioned by being to much crowded, 40 lying on deck;" those on the Ranger are "Sickly & their water very bad. They want an allow'e of Rum &c." The report notes "The vessels in general are too much crowded; their allowance of Provisions short being 1 lb. of Beef, 5 lb. Flour and 2 lb. Bread per man per week and too small a quantity to that allowance to carry them to the Parts they are bound to especially at this season of the year; and their water very bad."

Maryland Gazette, Thursday, Nov. 20:

"Two ships with Neutral French, from Nova Scotia, are arrived in Philadelphia.

"And, just now one vessel, from Halifax, with French (falsely called) Neutrals, is arrived in our Dock."

This was the *Leopard*, Capt. Church, the only one of the vessels sent to Maryland that was not greatly overburdened.

Maryland Gazette, Thursday, Dec. 4:

"Sunday last (Nov. 30) arrived here the two last of the vessels from Nova Scotia, with French Neutrals for this Place, which makes four within this Fortnight who have brought upward of Nine Hundred of them. While they have been in this Port, the Town has been at considerable Charge in supporting them, as they appear very needy, and quite exhausted in Provisions; and as it cannot be expected that the charge or Burden of maintaining such a Multitude, can be supported by the Inhabitants of Annapolis (a small part of the public Society when compared to the People of the whole Province, and who upon this Occasion have been very liberal) It will be necessary soon to disperse them to different Parts of the Province. As the Poor People have been deprived of their Settlements in Nova Scotia, and sent here (for some very Political Reason) bare and destitute, Christian Charity, nay common Humanity, calls on every one, according to their ability, to lend their assistance and help to these objects of compassion. We are told that three of these vessels are to sail with the first wind (which we heartily wish soon to happen), one for Patuxent River, another for Choptank, and a third to Wicomico, there to wait the orders of his Excellency the Governor."

From the Postscript to a Letter written by Daniel Dulany, dated Annapolis, 9 Dec., 1755, we learn that "our proportion being nine hundred and three are already arrived at this place, and have almost eat us up." . . . "What is to be done with these

people," he continues, "God knows." "It was proposed to them to sign indentures for a short term, (They insist on being treated as prisoners of War) which they have refused. As there is no provision for them, they have been supported by private subscription. Political consideration may make this a prudent step for anything I know, and perhaps their behavior may have deservedly brought these sufferings upon them, but 'tis impossible not to compassionate their distress."

Mr. Callister, a benevolent merchant of Oxford, writing to Gov. Sharpe, Jan. 17, 1756, in behalf "of those wretched exiles among us," tells of the trouble and expense he has been put to in endeavoring to supply them with shelter and necessities. "Inclosed," he says, " is an account of the charge these people have put me to since they landed. You will easily imagine to yourself there are a thousand articles I could not with decency make a charge of. When the distressed see a man's breast open for their relief, they come in at that door; and it is sufficient to give a hint of the trouble and expense of it." . . . "The simple French at Annapolis, I am told, ealled themselves prisoners of war. They did so here likewise at first, but they were soon made sensible of their mistake. Indeed, they might easily be forgiven, when one considers." . . . "This is still a dilemma to them, and may well puzzle wiser heads, especially as they say in their address, that they were treated as prisoners of war by Governor Lawrence. They might have thought themselves not only in duty bound to deelare themselves prisoners, but also in that character to be entitled to better treatment than they have met with as faithful subjects."

Three of the vessels had been sent as indicated in the Gazette of Dee. 4 to the Patuxent, Choptank and Wieomieo rivers, respectively, and thence distributed to the adjacent counties. The fourth was retained at Annapolis; the allotment of Baltimore County were sent in a vessel employed by the Governor, and landed at Philpotts point. On the Records of the Baltimore County Court, March term, 1756, is the following:

"Andrew Stygar exhibits to this Court the following account which is ordered to be recorded, viz.:

756 Baltimore County		Dr.		
To carting the french neutrals	goods from Mr.			
Philpots Point to Baltimore	Town	2	14	0
To maintaining the french neut	rals 11 days at			
50p. P day		17	17	6
To ½ cord wood		0	12	
	Errors excepte	d,		
		his		
	ANDRE	w +	STYGAR.	,

The Legislature met March, 1756. The Governor at once (March 16) sent a communication to the Lower House concerning "the late Inhabitants of Nova Scotia, who by the advice of the Council had been divided and distributed to every part of the Province except Frederick County." "Most of them," says the Governor, "are, at present, entertained in such Gentlemens Families as Charity inclines to receive them; it remains with you to dispose of them otherwise, or provide for their support as you shall judge proper. A number of them that were put on shore at Oxford and Somerset County, were, till their Separation, supplied with provisions and some necessaries by Mr. Callister and Capt. Lowes, as you will learn from these Gentlemen's account, which they desire me to lay before you, hoping that you will reimburse them the expenses they have been at, as well as discharge Mr. Middleton's Bill for carrying some of these People from Annapolis to Baltimore by my order. . . . The Bundle of Letters and Papers herewith sent will shew you how much each of these Gentlemen expended, what induced them to do so, and persuaded them that the safety of the Province indispensably required it." The Governor on April 19, again reminded the Lower House of "the unhappy condition of many of the late Inhabitants of Nova Scotia whose humble petition you have had some time before you." He recommended to their consideration a copy of an Act of the Pennsylvania Assembly "for the relief of as many of these People as were imported in that Province" and advised that a bill be prepared for preventing the Acadians from leaving the Counties to which they had been sent, and "for punishing such of them as may presume to travel to, or be discovered near our Western Frontiers." April 23 the Delegates in reply promise immediately to take the matter into consideration and "endeavor to fix on some Expedient" for the relief of the late Inhabitants of Nova Scotia, and secure the other objects recommended by the Governor.

The Expedient fixed on is entitled "An Act to impower the Justices of the Several County Courts to make Provision for the late Inhabitants of Nova Scotia, and for regulating their conduct."

Before considering this Act it will be well to recall that the Acadians according to the testimony of Mr. Dulany and Mr. Callister regarded themselves as prisoners of war and entitled to be supported as such. In view of the fact that they had been told that they could no longer be looked upon as subjects of his Britannie Majesty, but as subjects of the King of France, and had been designated as the "King's prisoners," it is difficult to understand in what other light they could be considered as regards those who had made them prisoners. But these prisoners of war had been landed in a Province whose prisoners they were not, without any provision for their support on the part of those whose prisoners they were, and the Legislature scems to have taken the view that as regards the Province of Maryland they were, as other unfortunate persons, to be supported only so far as unable from infirmity to support themselves, and when able to labor for their own support to be compelled to do so.

The preamble to the Act recites that "the Governor and Council of Nova Scotia have thought it most advantageous to the British interest in North America, to transport many of the Inhabitants thereof, into other of his Majesty's colonies, Numbers of whom have been brought into this Province, and in Compassion to their unhappy circumstances have been permitted

to land and have been dispersed into different counties within this Province in order to give them an opportunity of exercising their own Labour and Industry, thereby to procure a comfortable subsistence for themselves. Notwithstanding which many of them through Obstinacy, and other from Indolence, have absolutely refused and declined making use of such means of subsistence, and have thereby become a considerable Burthen upon the charitable and well disposed People of the several counties." "For the prevention whereof for the future and to prevent such of them as are not able to subsist themselves from perishing," the Act is passed.

The Justices of the several Counties are empowered "in the same manner that they now take care of and Provide for the Poor of their respective Counties to take care and provide for such of the said French Neutrals in their respective Counties as they shall deem to be real objects of Charity." If any County have more than their allotment of French Neutrals. it is authorized to send the overplus to other counties who have less than their allotment, and these counties are required to receive them, but none are to be sent into Frederick County. If any of the inhabitants of Nova Scotia shall be unable to support their children by their own labour and industry, the Justices of the County Courts are authorized to bind out such children to some person upon the best terms they can make, for the ease of the county, as well as the benefit of the children, in the same manner that orphans are bound out by the laws of this Province, "provided neverthcless that if his most Sacred Majesty should be graciously pleased to order the said Inhabitants of Nova Scotia to any other Part of his Majesty's Dominions, or elsewhere, that then, in such case, all manner of contracts, which shall have been made by the Justices aforesaid shall be absolutely void and of none effect." If any of the late inhabitants of Nova Scotia, after the first day of June next, being person of ability of body shall use wandering and loitering, and refuse to work for reasonable wages, they shall be apprehended by order

of any Justice of the Peace and sent to the public gaol, there to remain until they are willing to labor for subsistence.

Thus far the provisions are the same as provided for indigent infirm persons, and for healthy idlers with no visible means of support, in general. To the Acadians it was a terrible reverse of fortune to have their comfortable houses, their crops and barns, their cattle and farming implements forcibly taken from them, and to be themselves transported in crowded vessels, ill-supplied with food and drink, to strange counties, and there placed naked of provisions among people, different in race, language and religion; a heavy responsibility rests upon those who were the authors of this removal and of the infliction of these wrongs, but when the Legislature of Maryland found these unfortunates among them in an abject state of poverty, it is all that could be expected, it seems to me, that they treated these newcomers as they treated those of their own people who were in a like indigent condition.

It was further provided in the act under consideration "that if any of the late Inhabitants of Nova Scotia should be found traveling above the distance of ten miles from their abode, or out of the county where they resided without a Pass from some Provincial or County Magistrate, describing the person or persons of such French Neutrals, mentioning their Place of residence, and whither they are going, and limiting a time for their Return," it was made lawful for any person to arrest such travelers and take them before a magistrate, who after investigation, was directed to imprison them for five days and then send them back to their former residence. In order to facilitate this return, the constables of the several hundreds were directed "to take and return to the next August Court of their respective Counties, to be entered on the Records of the said County, an exact list of all and every such French Neutral, in their several hundreds, distinguishing therein their men, women, boys and girls."

This act was to continue in force for one year. At the termination of that period it was renewed for a second year.

In Gov. Sharpe's correspondence is a letter from Gov. Lawrence, of Halifax, dated July 1st, 1756. He says: "I am well informed that many of the French Inhabitants transported last year from this Province and distributed among the different Colonies upon the Continent, have procured small vessels and embarked on Board them in order to return by coasting from Colony to Colony, and that several of them are now actually on their way." As their success would frustrate the design in sending them away at so prodigious an expense, and greatly endanger the security of the Province, he asks Gov. Sharpe to use his utmost endeavors "to prevent the accomplishment of so pernicious an undertaking by destroying such vessels as those in your colony may have prepared for that purpose, and all that may attempt to pass thro' any part of your Government either by Land or Water in their way hither."

Gov. Sharpe in reply assures Gov. Lawrence "that none of the French who were imported into this Province last year from Nova Scotia have been suffered either by land or water to return again thither. I did indeed, sometime ago, hear that those who were by you sent to South Carolina had embarked in some small vessels and were returning Northw^d, but I could never learn that any of them landed in this Province to refresh themselves or on any other account: You may be assured that if any of them should hereafter touch here, I will prevent their re-embarking & that I will by having the enclosed Act of Assembly strictly put in Execution within this Government hinder any of those that were sent hither from returning to give you Trouble or Uncasiness."

I have found a few instances which show that the story of the separation of families was no fiction. "Two of the Neutrals, one imported at New York and the other here," writes Feb. 2, 1756, Gov. Morris, of Pennsylvania, "have obtained my Leave to go to Annapolis in quest of their Families, who they think are in some of the Ships which have arrived in your Province. If they light of them, or any other of the wives & children belonging to those imported here, I desire the favour of you to suffer as many to come to their Friends here as these two will undertake to conduct and defray the charges of their Journey. I do not mean to put you or myself to any Expense for their removal. But if Joseph Munier and Simon Leblane, who are recommended to me as good and worthy People, and one of whom had been in the Service of his Majesty, will bring any here at their own Expense, I desire they may be indulged to do it." Gov. Sharpe replied Feb. 14: "Your request in favour of Munier and Leblane shall be complied with whenever they desire to return to Phila. The wife and Family of the first are here, the other is gone to look for his in a distant part of the Province."

Jaques Le Blanc petitioned June, 1758 the Council and House of Representatives of Massachusetts "That he is one of the late Inhabitants of Nova Scotia and together with the rest of his, except his son, were sent to this Province and he begged as it had been for his life that He might be also sent with him, but could not obtain it and he was sent to Maryland from whenee he has received letters from him with advice that the Government there are willing to give Him a passport if this Government will receive Him." He prays that "the Honorable Court will not now deny him his own son to alleviate his misfortune in the loss of his estate, especially as it can be granted without any charge to them," Captain Beale, a responsible man of Baintree, having given his hand that he will indemnify the publie. To move the Court he states: "Your Petitioner the vear Cape Breton was taken saved the life of an Englishman, one Joseph Lugar, who with four others were set upon by the Indians at Merlequist, and after they had killed the rest would have killed this also if your Petitioner had not given 15 Dollars. for his ransom and to make up the sum actually parted with the coat off his Back."

"Upon Capt. Benjamin Beale giving security that the Petitioner's son shall be supported in case of his arrival here without any charge to the Province," a certificate is granted signifying that his son may come into the Province.

From the time of the dispersal of the Aeadians to the several eounties and the passage of the law relating to them, it becomes necessary to follow the several bands and even the fortunes of individuals if possible. The material for doing this is scanty and some of the probable sources are as yet unexplored. Future investigation may recover some of the lacking details, but at present I can give only a few items.

Charles Carroll, the father of Charles Carroll of Carrollton, writing Jan. 9, 1759 to his son then abroad: "I was glad to serve Manjan, a poor Accadian here; what will become of him or the rest of them, God knows. The French seem to be so distressed everywhere, that upon a peace they cannot reasonably hope for relief from them; thus will they fall victims to our Cruelty, by which they have been reduced from a state of Ease and Plenty to Misery, Poverty and Rags." 13 Aug., 1759, writing to his son, still abroad, of the surrender of Niagara and other successes of the English, he says: "While we are in the highest Transports of Joy, the poor Acadian prisoners among us are quite desponding and dejected; they are helpless, and people tired of supporting them so long by charity; for my part they have cost me as much or more than the 2,800 livres you are likely to be cheated of."

Griffith, who must himself have known some of the French Neutrals, in his Annals of Baltimore published in 1824, gives some interesting details of the people whom Andrew Styger brought from Philpot's Point to Baltimore Town. He says: "Some of them were received in private houses, others quartered in Mr. Fotterell's deserted house, in which they erected a temporary Chapel. For although the Province had been a refuge for persecuted Catholics in particular, they were surpassed in number by Protestants before any settlement was made in Baltimore County, and they had no place of worship in it as yet. At first assisted by public Levies authorized by law, these emigrants soon found means by their extraordinary industry and frugality, to get much of the ground on South Charles street, erecting many eabins or huts of mud and mortar, which part

was long distinguished by the name of French-town. By the same means they or their children, converted their huts into good frame or briek buildings, mostly by their own hands, and there are yet (1824) some of the original French settlers living there at the age of eighty-five years and upwards. Among these French Neutrals Messrs. Guttro, Gould, Dashiel, Blanc (White) and Berbine who had suffered least perhaps, attached themselves mostly to navigation, and the infirm picked Oakum. Several houses erected on the West side of the street, from timber cut on the lots by themselves, and yet standing, were occupied by some of them more than sixty years."

Mr. Edward Fotterell's house in which the Acadians were sheltered is described as "the first brick house in Baltimore with free-stone corners, and the first which was two stories high, without a hip roof." It was located on part of the ground now occupied by the Court House. The Chapel established in this house is mentioned as the first Catholic Church in Baltimore.

Those who are acquainted with Mr. Moale's sketch of Baltimore in 1752 will have some idea of the town when the neutrals arrived in 1755.

Johnston's *History of Cecil County* contains some very interesting particulars. The following petition shows how desirous many of the Acadians were of reaching a country where they would be among people of their own race, language and religion.

"To the Worshipful, the Justices of the Peace of Ceeil County:

"The humble Petition of the French Neutrals in Fredericktown (Ceeil Co.) showeth that, Whereas your Petitioners have now an opportunity of removing to the French Settlements on the River Mississippi, at their own expense and charge, which they, on account of their large number of small children and long captivity here, find themselves entirely unable to pay. They therefore, Humbly request your worships to grant such timely assistance and Relief as may enable them to execute their purpose of removing and your petitioners shall ever pray.

"Issabel Brassey, 8 in family, Eneas Auber, alias Huber, 6

in do., Eneas Granger, 9 orphans, Joseph Auber. $24^{\rm th}$ Mar., 1767."

The following entry in the book which recorded vessels "eleared out" from Annapolis doubtless belongs to the above mentioned expedition. "April, 1767, Schooner Virgin, Thomas Farrold, Master, square stern, 60 t. Six men, built in Maryland, 1762. Registered Pocomoke, 17 January, 1762. Owners of Present voyage, Peter Hulbert and Jonathan Plowman. 200 Passengers with their Baggage, Bound for Mississippi."

Joseph Barban, his wife and eight children, and the orphan children of John Baptist Granger ask assistance to emigrate to Canada.

"But little more is known of these unfortunate people except that they received the relief they sought and were sent to their friends in Louisiana and Canada at the public expense," concludes the author of the *History of Cecil County*.

Thos. Gage, Governor of New York, wrote July 21, 1765 to Governor Sharpe: "I am to thank you for your favour of the 28th June, and am now to acknowledge the honor of your Letter of the 20th of the same month, brought here by an Accadian. I find by him that his countrymen want a Settlement to be given them in Nova Scotia or Canada, either on the Bay of Gaspee, or Chalean, on account they say of the Fishery and that the Climate agrees with them. I don't know how far it would be agreeable to Government, to grant them settlements in these particular Provinces, but I think means may be fallen upon to render them, at least their Off-Spring, useful to us. I have advised the Bearer to return to you and tell his Countrymen to remain quiet in Maryland until they hear further from you. I shall in the meantime write to the Governor of Canada and Nova Scotia, and shall likewise transmit their Petition to me to His Majesty's secretary of State and whatever Intelligence I shall gain respecting his Majesty's Pleasure concerning these unhappy People you will be immediately acquainted with. I should think it would be greatly to the advantage of some of the great Landholders to give a Tract to these People on very moderate terms, in order to begin a settlement on some of their unsettled Lands."

In these efforts to reach their kindred doubtless some of the French Neutrals succeeded. It is equally sure that some remained in Maryland. To trace these genealogically would be an interesting piece of work. Until this is done we cannot say how permanent in its effects upon Maryland was the Transportation of the Acadians in 1755.

CONFERENCE BETWEEN PENN AND TALBOT, AT NEW CASTLE IN 1684.

Report of a conference between Col¹ Talbot and William Penn on uarious matters connected with his Government of Pensiluania and Col¹ Talbot's interference therein.

After wee had Sate a minute or two, And the how do you's being ouer I begann.

Coll. Talbot. Sr I came to towne accidentally and being told that your honnor was here I thought it the duty of a Gentleman to come and pay my respects to you.

Wm. Penn. I give Coll Talbot many thanks for his kindnesse.

Talbot. If I had heard at home of your honors being here I had come purposely to waitc on you and Indeuor to remove the opinion you had of my Inciuility in not Leauing a Letter for your honnor when I was at your house in Philadelphia.

Penn. It did seeme strange to me and others that haueing noe way disobliged thee thou shouldst be wanting in soe ordi-

¹The work of identifying Acadian names and descendents is complicated by the fact that many French came into Maryland from other places, the West Indies, France, etc., and is rendered still more difficult by the adoption of English equivalents for the original names. Thus "Le Blanc" became "White."

nary a part of common Ciuility as writeing to me when thou didst not meete my selfe at home.

Talbot. Sr the tearmes in which my Comission is writt are Sufficient to proue that I had noe more to doe at Philadelphia, then deliuer my Errand to your honnor or your Deputy and then come away and I should have Exceeded that if I had writt any private Letters to you while I was there ffor if my Lord Baltemore had thought that to be necessary 'tis like he would have given me orders to that purpose in Case of your honnors absence But if I had come thither on any buisnesse of my owne I would not have omitted that or any other testimony of my respect to you, for in anything (not opposite to my Lords Intrest) you shall find me as willing as any man to serve you.

Penn. Truely I neuer Expected Lesse from one of thy family, for I know Some of thy relations and found them to be persons of much Integrity and worth But Since thou dost speake of Exceeding thy Comission I think I have something of that kind to object against thee. I am told that in Coll Talbots returne from Philadelphia, he did (at Amersland and other places) use perswasions to certaine Sweades and ffinns to remove into Maryland and live under the Lord Baltemore. Now the question is whether Coll Talbot did this or did it not.

Talbot. Sr I will not disowne my owne aet. I certainly did it, for finding severall of them much disatisfied, and declareing theire discontents to me I thought I should be very remisse if I omitted soe faire an occasion of serveing my Lord Baltemores intrests and tis certaine I did not make it my buisnesse to Lessen theire feares nor doe I see how it may be faulty in any man to tell them the truth that theres better Land and Cheaper rents and greater Incouragements for poore men in Maryland then in Pensilvania.

Penn. But it ended not there for thou didst say that they pay noe taxes in Maryland for getting Children but that they must pay a Crowne per Child here.

Talbot. Your honor is Sensible that if you are wrongd in

that I am not the first author of it for you cannot but know twas all ouer Pensiluania before I went thither.

Penn. It is the Custome in all Countries to keepe account of the Increase and decrease of the people in Registries of births and Burialls and because I doe soe it giue occasion for that report But the Lord is my Witnesse I had noe intent to lay any such tax on the Country for I am soe farr from it that I haue Voluntarily giuen away things of that kind which the Assembly here settled on me. But who were those persons that told thee they were disatisfied with my Gouernment for I think I giue none any occasion to be soe.

Talbot. I am not willing to turne Informer nor would my Lord Baltemore Expect soe meane a Service from me.

Penn. Thou needst not, for I know who the men are and they themselves were the first that told me of it But (as I said already) all this was beyond the Comission thou didst shew at Philadelphia. Hadst thou any Comission to Inuite persons out of my Country into Maryland? If thou hadst I hope thou eanst produce it, and if thou canst not I am to Looke upon thy actions then as the act of a private person aeting of himselfe and not of an officer acting by Commission.

Talbot. I had noe particular Comion to that purpose in writeing, but I have a generall written Comission to vse my best Endeauors to gett the County of New Ireland planted and Inhabited, and to Inuite people thither from all parts by Vertue of which a Lone I may Justifie what I did and I had Likewise private directions from my Lord to give all reasonable Encouragement to such persons as may be willing to remove out of Pensilvania into Maryland.

Penn. Are those Instructions written?

Talbot. It is not necessary that any of your Councill should have a written warrant under your hand and Scale for every Service they are order'd to doe for you, but 'tis Enough that you bid them doe it.

Penn. Well, well, lay that aside. But the Indian Capt. Mahaloha complaines to me that thou forcedst a paper from him

that I gaue him wherein I declared that I bought his Land in Delaware and Susquehanno from him and desired that he should not be molested in his hunting in those parts.

Talbot. I had the paper freely from himself without Vsing any thing of force or terror to him.

Penn. Then wilt thou restore it to him againc?

Talbot. That I cannot doe, because there are some passages in it necessary for my Lord to see and I must therefore send it to him.

Penn. But thou didst forbid him and threaten him from hunting in Maryland which is Complained of as a great greuanee by the Inhabitants of this towne whose Chiefe liueing is by the Indian trade, for thou hast said that thou wilt not suffer them to earry skinns nor furrs out of Maryland hither.

Talbot. There's a Law in Maryland that forbids the Carrying away of Deer skins Elk skins and hides, and there's noe reason that we should give heathens a Liberty which we deny to our Selues; but for theire furrs they may carry them whether they will provided they have my Lord's Licenee to hunt in Maryland and not pretend to warrant themselves by any forraigne Licence.

Penn. These Nieeties are only Necessary on the Borders of Sweaden and Denmarke where traucllers are put to renew theire passports at euery Castle they passe by. But if that paper would not doe, The Indians have a native right to hunt fish, and fowle in all places and are not to be hindered from it by the English.

Talbot. Sr, the Indians (as your honor knowes) are divided into Seuerall Small Nations. Every Nation has its particular Territory bounded with naturall bounds. Noe one nation was or is to hunt in any part of the others Territory without Licence first obtained. Some of these Territories are Seated by the English by Consent and Composition with the Natiues who in all treaties reserved to themselves the rights of hunting, fishing, and fowling in all the lands they sould or gaue away, and in these Territories soe obtained by the English the Old Proprietors (and

noe other Indians) doe ehallenge the priviledge of hunting. But the Susquehannoks and theire Country were Conquer'd by the Marylanders at great Expense of blood and money and the Susquehanohs are now noe Nation. That part of theire Country that lyes in Maryland, betweene the 40th degree and the rivers of Patapseo, Elke and Saxafras was never hunted on in theire time by the Delaware Indians nor any others but the Susquehannohs Indians onely and now that not onely the Land is my Lord's by his Charter but the Susquehanoh rights of hunting, there and barring all others in Invested in my Lord by right of Conquest. The Delaware Indians ought to be Lieeneed by my Lord's Authority or not permited to hunt any where westward of Elk river noe more then in the Susquehannoes time but to the Eastward of Elk river there's noe man will hinder them it being theire Antient right to hunt there.

Penn. I have bin the more willing to heare thee discourse of rights of Conquests because it makes for me in the Case betweene the Lord Baltemore and mee. But I will justifie that the Conquest of the Susquehannes was noe just Conquest nor managed Like a just Conquest for noe eause of warr was given by them and then they were betrayed out of theire Liues by Inuiteing them downe among the English and lastly theire five great men that eame out to treat were Inhumanely knockt in the head against all reason and the Law and Custome of all nations. Oh it is much to be feared that the Cry of soe much innocent blood will at some time or other bring downe Gods wrath upon the Children yet vnborn in Maryland though I heartily wish it otherwise.

Talbot. Sr, I have Answerd your honnor in all points that Concerne my owne Justification and I hope you are Satisfied that I have don but what I ought to doe and that I did it out of the duty and obligation I owe my Lord and not out of any sett purpose to disserve you. But if you be not I hope my Lord will and then I have my End. But now your honor has put me vpon a discourse that is out of my Element, for I was not then in America nor have I any Com¹⁰ⁿ from my Lord to talk with

your honnor of these things, and doe therefore desire to be Excused from Answering to any questions relateing to the Controuersy between my Lord and you any further than Concerns my selfe.

Penn. I had not fallen into it if thy selfe had not begunn it; but Since we are Enter'd Vpon it Let us talk a little more of it as we have don already ealmly, and without passion. How farr dost thou reckon it to be from this towne to thy hous upon a Diametricall Line.

Talbot. Some 11 or 12 mile somewhat ouer or under Sr. Penn. Or under—Then if under 12 mile—Coll Talbot (I suppose) is sensible that he has built his hous within the King's 12 mile Circle of New Castle which I wonder he would doe or how he hopes to keepe it knowing how punctuall the King is in reserving the property thereof to himselfe.

Talbot. Sr, I am Likewise sensible that his Maiesties reserve layd on th^t Circle was a very late aet, and long after the date of the Charter of Maryland and that it was not intended to Cutt any thing from Maryland, by it but to keepe soe much from Pensiluania in Case the 40th degree were found to be to the Southward of New Castle. But that being found to be otherwise I doe not feare that Maryland ean loose any part of its Extent vpon account of a reserve thats Latter then the date of the Charter.

Penn. The reserve was layd by the King and Duke when they weer in full and Lawfull possession of all Delaware river by Conquest from the Dutch who were seated here long before the Maryland Charter begann.

Talbot. But does it appeare that the Dutch were seated here by any grant or publick Lieence from the Crowne of England?

Penn. Why 'tis noe matter whether they did or not. Why dost thou ask?

Talbot. Because there's Lately an order of Councill past in England that the Dutch Settlement in Delaware (although before the Charter of Maryland's date) shall noe more be pleaded against my Lord's right to this place vnlesse it be made out that they did it by Licence from the Crowne of England.

Penn. 'Tis impossible any such order should passe, and I not receive as timely notice of it as the Lord Baltemore.

Talbot. I dare assure your honnor that it is soe, and if you have not gott notice of it already your friends in England will not forgett to send you it, or if they neglect it my Lord will not.

Penn. Why 'tis a very vnlikely thing that such an order should passe after the reserve made by the King and pattent past to the Duke and after the opinions had of the Learnedst Lawyers in England both in the Civill and Comon Law that the Lord Baltemore's right was devolued to the Dutch by theire Conquest, and theire right to the Duke by his; for if a Shipp be taken by Piratts and kept 24 houres by them and retaken by a man of warr shee shall be prize to the King and the owner looses his right to her and 'tis the same case here.

Talbot. I Sr if there were noe difference betweene a reall Estate and a Chattell. But the property of a reall Estate is not see readily made uoid as that of a Chattell, as is to be seene in hundreds of cases.

Penn. Why there's the mistake of a great many men that take Land in America for a reall Estate, whereas the opinion of all the Judges in England is that it is but a Chattel as it will appeare when the Lord Baltemore and I doe come to tryall.

Talbot. Personall Estates are past from one man to another by Common Bargaines without soe much as a scrowle of paper and neuer are Intaylable. But we see that land in America is intailable and when it is it passes not from one to another without fine, Recouery, Wife's release of Dower, Conueyance, acknowledgm^t before a judge and Lastly inrowlement, which shews it to differ as much from a Chattel as Land of Inheritance in Middlesex doth.

Penn. It may be soe in Maryland where (perhapps) you have made a Law that Lands shall be tailable but they are not soe in any other part of America.

Talbot. I know of noe law in Maryland more then the old

Comon Law of England that makes any mention of Intaileing of Lands or any thing to that purpose or of changeing the Condition of them from a personall to a reall Estate. And that reall Estates if Conquer'd by Enemies and recoverd by the Crown are claimeable by the former Proprietors. The restorcing of the Cavaliers in England to their reall Estates but not their Chattells is a Sufficient Instance.

Penn. Theire Case and the Lord Baltimore's Case are uery different, for they were Comon Subjects and in the imediate protection of the Crowne and ought by all Law and reason to be restored to the Lands they lost and the case between them and the vsurpers might be tryed by the Comon Law. On the eontrary the Lord Baltemore is a great Prince holds onely by two Arrowes Ought to defend his Territories against forraigners at his owne charge, and if he looses them, and the King recouer them they become the King's property and not his. And if he would be remedied by Law, it must be by the Ciuill Law and not the Common because the Dutch a forraigne Nation were concerned, and the Ciuill Law (which is Lex gentium) adjudges the right of all conquered Lands to the Conqueror. And if (by the Ciuill Law) the Dutch were Lawfully Seized of this place and that (by the same Law) the King (who recouerd it by Armes from them) was Lawfully reinuested in it what remedy has the Lord Baltemore at the Ciuill Law, for at the Comon law this ease eannot be tryed?

Talbot. Sr, you know that in my Lord's Charter there's a grant of all Royalties in the same manner as the Bishops of Durham Enioyed at any time heretofore in theire Diocesse. The Bishopriek of Durham lyes neare Seotland and was often in danger of being Conquered by the Kings of Seotland. Now the question is if the Scotts (in those former times when England and Seotland had two Kings) should Conquer and keep Durham for 40 yeares, and then the King should reconq^r it Whither the Bishop might legally clayme and recouer his land againe.

Penn. He might but here you must distinguish for Durham

is in England and if wonn by the Scotts the losse was upon account of the Crowne and of the people of England and therefore in all equity he ought to be restored. But America is another thing and the losse of a spott of ground here is not of such Concerne to England as the Bishoprick of Durham.

Talbot. That distinction will not alter the Case for I am sure that Maryland is now (by my Lord and his Ancestors) made as profitable to the Crowne of England as euer Durham was. But if it should be soe adjudged that all that the Duke recoursed from the Dutch should be his What right does that give him to the Whore kills, which my Lord tooke and burnt?

Penn. Yea I have heard after what manner that place was taken & Kept.

Talbot. Taken it was Certainely but Capt. Jones that tooke it Neglected to stay and keepe possession vntill a plantacon or two were seated on my Lord's account, as I would have stay'd though I had not aboue one man to keepe me Company. But Jones Neglect of seating then gives noe title to the Duke to enter upon it and Conquer it from my Lord.

Penn. They say that Coll Talbot gives out that he will Suffer noe new Settlements on Christine Creeke but on the Lord Baltemores account. Methinks there is noe need of soe much heate. Young men are more precipitate in Execution then old men in considering. This may be layd aside till the King and Councill decide the matter. Thou mayst hurt thy selfe by it, for perhapps when the Controversy is Ended thou mayt then prove to be a Pensilvanian for any thing thou knowest yett.

Talbot. Sr, I hardly think I shall, or if I doe, I believe your honnor will not like me a jott the worse or employ me the lesse in your buisnesse for being diligent in the trust my Lord has now reposed in me. But if the Chiefe foundation of your title to the Lower parts of Delaware river, be the possession the Dutch once had here I doe not see what right that can give you to seate St Jones St. Georges the Vpper parts of Christine and the forrests backwards where noe settlements were ever made till after the last Conquest from the Dutch. Certainely nothing can

be objected against our right beyond all others to seat on those parts which doe lye in Maryland and neuer were Cultivated by the Dutch.

Penn. If the Lord Baltemore be soe sure of recouring these parts he should not blame me for being a better husband for him then himself is, for I reserve farr greater rents on those Lands then he does on his, the profit of which will be his when he recours them.

Talbot. No Sr, for I know 'tis his Lopps intent to make the rents here as Easie (when he recouers this Country) as they are in the rest of Maryland and in the meane time the rents of such plantaeons goe into others poekets that ought to goe into his, and therefore you need not think it strange that I am vn-willing to suffer such new Settlements to goe forwards or shall Endeauor to hinder them when begunn.

Penn. But though the Dutch were not seated in all those places, yet they bought all Delaware river and bay from the Natiues and 3 daies journey back into the woods which would take in a good part of Chesepeake bay besides the whole forrest betwixt it and Delaware bay. Coll Talbot seemed even now to assert the Validity of Indian purchases and Indian Conquests while they made for his purpose has he any thing to say against them now?

Talbot. I Looke on an Indian Conquest or purchase to be a sufficient title to barr a weaker Indian pretension, but not to oppose an English Pattantee that hath his Charter from the Crowne of England as appeares in the Case of Capt Claybourne that bought Manapousen (now the Isle of Kent) from the Indians before the Maryland Charter and (in that right) seated upon it but was east out by an order of Councill upon a full hearing in England. And the Like of Capt Brent who in right of his wife the Piseatoway Emperors daughter and only Child pretended a right to the most part of Maryland but could doe noe good on't after a great bustle about it and your Indian title will Signifie no more or I am much mistaken.

Penn. It seemed strange to me that the Lord Baltemore

should promise me (in this towne) another meeting in September and yet when he eame up the bay neuer to send to me to meete him, but tak observaeons and runn a Line without giveing me the least notice, and Lastly to send Coll Talbot to me to demand positively the Dukes Land of me and all this after a solemne promise vpon his honor not to doe anything untill our September meeting. I doe not know how the Lord Baltemore will Justifie such proceedings and such breaches of his word when I acquaint the King and Councill with them.

Talbot. Sr, I know that my Lord had intentions of dealing kindly and neighborly with you, had he not received three Letters by Captaine Markham, Mr. Clarke and Mr. Harrison in which were Expressions which were looked upon to be see disobligeing as were sufficient to disengage his Lopp from any promise of that kind had he past any to your honnor, and as to his takeing private observaeons his Lopp had a great deale of reason for it because first Capt. Markham and then your honnor refused to Joine with him in it for you are sensible that in England if two be at Law, and the defendant refuse to joyne with the plaintiff in Examining Witnesses, the plaintiff may proceed exparte and Examine his owne witnesses without the defendants presence, which is the same ease here where the 40th degree is the Chiefe and onely Euidenee by which this dispute must be Ended. My Lord had reason to Examine exparte when none would Joine with him.

Penn. I know the Lord Baltemore tooke advantage of my agents proceedings in my absence, which was not soe fayre without Inquiring into his Instructions wherein he might be better satisfied what my Agent could doe and what not.

Talbot. I pray Sr was Capt. Markhams Com^{ton} plenipotentiary or not?

Penn. It was Plenipotentiary with reference to his Instructions.

Talbot. Then my Lord was onely to take notice of his Comission weh he saw and not of the Instructions weh he saw not.

Penn. Well wee haue had Enough of this. But let me de-

sire thee not to molest the Inhabitants of Christine. Thou doest discourage them from improuing their plantations, for it is a present Iniury to mee, and a future one to the Lord Baltemore if it proue his fortune to recour these parts.

Talbot. I have given them noe disturbance yet, for I have received noe order from my Lord to turn any out of theire houses that are seated already, but I must not permit new seaters on any account, but my Lords.

Penn. But have a Care of obeying Illegall orders if thou recievest them.

Talbot. Sr, I thank you for your aduice, but I am not Lawyer Enough to Judge what orders are legall and what are not; but my Lord knowes better things then to send me Illegall Comands, and therefore I will not dispute the legality of any directions that come from him, and what I doe in obedience thereunto weh may seeme cross to your honors Interests I desire once more that they may be vnderstood as don out of affection to his Lopps Concernes and not any prejudice against your honnor.

Welsh, the Survey Gen^u of Delaware. But Gouernor, if thou shouldst comand me any thing that were illegal I declare I would not obey it.

Penn. It were not reason to Expect thou shouldest.

Talbot. But I that am not so Versed in law as Mr. Welsh must be guided by my Superiors.

Penn. I see thou wilt pin thy opinions in law as well as Gospel on other mens sleeves.

Talbot. I pray S^r lets change the discourse, for if your honour resolues to Entertaine me alwaies with Controuersy you will fright me from Wayting on you here any more But if yor honor will promise to receive my respects as from a private Gentleman and not as from my Lord Prop^{ry} of Marylands officer, I will come constantly to Kisse your hands when I heare you come to towne.

Penn. Coll Talbot shall be kindly welcome wheresoeuer I am. Then Let us talk of Vineyards &c.

And there the dispute Ended and we talked of other indifferent things.

ATTACK ON CRESAP'S HOUSE.

A Relation of the Case of Thomas Cresap, of Baltimore County in Maryland.

On Wednesday the 24th November before sun Rise Samuel Smith Sheriff of Lancaster County with about Twenty four or twenty six persons Armed with Guns Pistolls & Swords Surrounded the house of me the said Cresap woh very much surprized me I being then in Bed. As soon as I Could get out of bed I Demanded of them their Business there or what they wanted, whose Answer was to me that they Came in Order to Take me & that they had got me in a Cage and would not Depart from thenee until they had me Dead or Alive unless I would Surrender my Sclf a Prisoner to them. My answer was that I would not surrender myself a Prisoner to them, for that as I was in my Own House which I Thought my Castle, Neither the Laws of God or Man would Compell me to Surrender, and Therefore if they attempted to brake into my House they might Depend on my shooting some of them or using my Endeavors so to Do.

I produced some Laws to make Appear to them the Ill Consequence Attending Persons breaking in or Offering so To Do or Destroy or Burn Houses Especially Hawkins's Pleas of the Crown, & of which I read some part to them, which they Did not Regard Telling me that they had the Laws of Pensilvania to Try me by. They seized my Flat & sent some Hands in her Over the River which soon after Returned with Six or Eight and twenty men in her with Rum and Victualls. Upon the Coming of these Men, they & those who Came first threatened my Life presenting their Guns & Pistolls at me & Surrounding my House to the great Terror of me & my family Especially my wife who was very big with Child and fell in Labour with the fright.

Soon after my Flat Landed with the persons afd, and that they had Surrounded the House as already mentioned, they fired in at my House & then Drew Off to a small Distance Loaded their Guns, Eat some Vitualls and Drank Rum & there Continued for about Two Hours still threatening me all the Time, & Came a second Time and fired a Volley and then retired again & drank more Rum. At Length finding their firing Inefeetual they broke into an Out House of mine and Attempted to brake into my Dwelling House, upon which I fired a Pistoll with nothing in it but powder out of my House, which made them to Retire, & then fired a Volley of Shot at the House one Shot of which took the Stock of my Gun in the House and went into a Post which was before my body, and by that means preserved me from the Shot which Otherwise would probably have been the Death of me. They afterwards Retired & Charged their Guns and so Continued until Mr Smout one of the Justices of Lancaster County Came still threatening me, with some others with him upon which Smout Desired I would Surrender myself a Prisoner or that they would burn the House Over my head, he saying that they had a Sufficient Authority from the Propry of Pensilvania & two of the Judges of the Supreme Court for so Doing. My Answer was to him that as I thought I had a good Cause on my side and the Laws of England to protect me that I would not Surrender my self to them or words to that purpose. Whereupon soon afterwards they set my House on fire and the People Scattered about, some about Trees Stumps and other Obscure places until my House was all in a flame; upon which at the Instigation of my wife and Children who Cryed about me, Earnestly Desireing & pressing me to go out & let them go Out (my wife being then in Labour) and not perish in the flames, I Opened the Door and let them go out and presently followed them, whereupon Several Guns were fired Several of which Shotts hit me perticularly one in my shoulder, three small shott on my middle finger, & one on my right Eye brow, upon which I made Directly to my Landing, where I kept my Flat, where several persons Came upon me with Guns and

Clubs and Knoekt me Down, there held me and made me a Prisoner, & soon after I was Seized I sawthem lead one Loughlin Malone one of my Servants who was with me in My House when it was set on fire, & was by them seated by me in the Flat, and being all of a Gore of Blood I asked him if he was Shott, who replyed he was. Upon which I asked him where his wound was? who laid his hand on his Belly. Then I asked him who Shott him; whose answer was to me that he Did not know the Man's name but that it was the man I used that Day to Call the Priest. I then asked him if he Could shew me the Man, whose answer was to me that that was the man (whose name I knew to be David Priest) and Instantly Dyed; upon which they Carryed him out of the Flat and laid him by the Water side and then Carryed me and the Rest of us over the River To John Rosses where they kept us that night and the next Day brought us to New Town in Laneaster County, and the fryday following brought me in Irons with Miehael Risner Miles Foy and Jacob Mathias Minshaw to Philadelphia Prison. In Testimony whereof I the said Thomas Cresap hereunto set my hand and am willing to Depose to the Truth of the Faets herein

Thomas Cresap.

We the Subscribers who were in the House of Thomas Cresap all the Time mentioned in the foregoing Relation were Wittnesses of the Truth of the facts therein mentioned and are Ready to Depose the same before any Majestrate Wittness our Hands.

Miles Foy

his

Michael M R Risner

mark

Jaeob Mathias Manshaw

March 17th 1736|7 Came before me the Subscriber One of his Lordship's Justices of the peace for Ann Arundell County Thomas Lynn and made Oath on the Holy Evangelists of Almighty God that he see Thomas Cresap Miles Foy Michael Risner & Jacob Mathias Manshaw Sign the Above Relation and

that the said Thomas Cresap Miles Foy Michael Risner & Jacob Mathias Manshaw were at the Time of such Signing in the Goal of the Citty of Philadelphia.

Thos. Lynn

Sworn to at Annapolis the Day & Year Abovementioned Before me Wm. Rogers

The Deposition of Joseph Oglc of Baltimore County Planter aged about twenty nine years.

This Deponent being duely sworn on the holy Evangels deposeth & saith that on Wednesday the twenty fourth Day of this Instant Novem^r about an hour and an half or two hours before Sunset, this Deponent went to the late dwelling house of Captain Thomas Cresap in the said County, and saw there Samuel Smith the Sheriff or reputed Sheriff of Lancaster County in Pensilvania, Ross, David Priest and John Ellison with several Others whose names this Dept does not know, to the number of about forty Men most if not all of them armed with Guns, that the said Sheriff seemed to this Depont to have the Command of the said Party, that the said Ross advised this Dept to be gone and let him, this Depont, know that if he did not follow his the sd Ross's Advice he this Dep^t would be taken Prisoner. Depont walked towards the River side with the said John Ellison (with whom this Depon^t was very well acquainted) and asked the meaning of so many armed Men being together, and what they intended to do? to which the said Ellison answered that they designed to take the said Cresap and to that End they had besieged his the said Cresaps house all Day and had set fire to it several times by the Sheriffs Orders with Intent to frighten the sd Cresap out of his house; but not prevailing therein, the said Sheriff had caused the fire to be put out, declaring that as he had no positive Orders either to kill the said Cresap or to burn his house, so he (the said Sheriff) would not do either without positive Orders; and this Depont advised the said Ellison to have no hand either in killing the said Cresap or in burning his house, and told the sd Ellison that whoever did either, would go near to be hanged for it, at which the sd Ellison seemed surprized and told this Depont that they (meaning Self and his Companions as this Deponent understood him) told the said Ellison that any body might shoot the sd Cresap or burn his house without any Danger; but since this Depont told the said Ellison otherwise, he the said Ellison thanked this Dep^t and assured him, this Dep^t, that he the said Ellison would have no hand in doing any Mischief. That the said Ellison told this Depont that the said Sheriff had sent to Samuel Blunstone One of the Justices of Lancaster County for positive Orders, and expected Edward Smout, Another of the Justices of the said County with Orders in a very little time, And if the Orders which should come, were not express and positive to burn the said Cresap's house that the Sheriff and the People would go directly away. That while the said Ellison and this Depont were talking together they saw a Canoe coming in very great haste over the River towards the said Cresap's Landing, upon which the said Ellison said to this Dept Yonder comes the Canoe with Orders, and Smoot, Justice Smout or Edward Smout (the Depont cannot tell which the said Ellison said) in her with Orders; And if they are not positive to kill Cresap or to burn his house Wc shall all go away presently. That the said Ellison and this Depont stayed near the River Side until the Canoe was near the shoar (in which Canoe this Dept verily believes the said Smout was) And then the said Ellison left this Depon^t and went back to his Companions; That then this Dep^t went away into a Thickett on a rising Ground about three hundred Yards from the said Cresap's house from which place this Dep^t could see the house and the People about it very distinctly; that in a very few Minutes after the Canoe eame to the Shoar he heard some People talking very loud and saw several of the Men that were with the said Smith set fire to the said Cresap's house in two or more Places and soon after saw the said house

in flames; that after the said house was near being burnt down, and in a short time before it was actually so burnt, the said Cresap and four or five Men that were with him together with his Wife and Children came out of the house and immediately thereafter this Dept heard the Report of several Guns that were discharged, saw the Smoak and saw the People run backwards and forwards as in a great hurry, which hurry was soon over; and the Sheriff and People went away some in a flatt over the River, and some towards Wright's ferry up the River, and took the said Cresap and the Men that were with him away except One that is supposed to have made his Escape, and One that they killed & left by the River Side. This Depont saith that as soon as he thought the People were gone away he this Depont went near where the said Cresap's house stood (which was then reduced to Ashes except a few Rafters and Pieces of other timbers) and thence to the Water Side where he this Depont found One of the Men that were in the said Cresaps house lying on his Back dead & appeared to this Depont to have been shot in the Belly. That this Depont and One Hugh-made a Fence round the dead Body to prevent its being devoured by Hogs or Vermin: That this Depont saw the said Cresap's Wife's Mother, One Rachel Evans, William Canon's Wife and John Lowe's Daughter at the Water side, and that some of them told this Depont that the said Cresap was wounded in his shoulder. And this Deponent saith that not only the said Cresap's house was reduced to Ashes but all the Goods that were in it except what few Cloaths he his Wife & Children had on, And that some of the said Women told this Depont that all his the said Cresap's Papers and Mouey were also burnt and further this Deponent at present saith not.

Joseph Ogle

Sworn to at Annapolis November 29, 1736 before

Robert Gordon

Baltimore County ss: Xr 24th 1736.

The Deposition of Frances Foy Aged 60 years being duely Sworn on the Holy Evangelists of Almighty God before me Charles Higinbotham One of his Lordship's Justices of the Peace for this County deposeth as follows Viz: as she was sitting in her own house (not very distant from Captain Thomas Cresap's) and being alarm'd by the noise of two Guns left her house and went down to Cresap's, and that being Come there this Deponent saith she saw a great number of Men some sitting and standing about fires made without Doors nigh to Cresap's house and several others Standing behind trees all armed with Guns Swords and pistolls, and this Deponent saith that she went up to a window in the house to speak with Captain Cresap, and that severall of these men Surrounding & besieging the said House pulled and dragged her away severall times from the window; and this Deponent saith that not being admitted to speak with Ths Creasap she withdrew and went homewards as far as one William Cannon's, distant somewhat more than a quarter of a mile from Cresap's, & that being there she heard eight or ten Guns fired off at Cresap's, and being very uneasie and apprehensive that Thomas Creasap was kill'd, she went alone back again to said Creasap's and this Deponent further saith that then and there she saw men Surrounding the House and as this Deponent went behind said house she saw a large fire brand smoaking and flaming on a Shed or Shade Joining said house and one other fire Brand lying on the Ground which this Deponent believes had fallen from off the Shade, which said fire brand she this deponent Carried away to a fire some what distant from said house, and this Deponent saith that she asked them somewhat Angrily did they intend to burn the house, and they generally replied and Cried Damn him they wou'd burn him and the home both, and this Deponent further saith that she Labour'd strongly with these men in order to disuade and divert them from such purposes, but they loudly swore and affirmed that they never wou'd desist untill they had taken him. this deponent saith that some time after this she saw a flatt with five and twenty men in her who were all Armed and Landed just by Cresap's house, and this Deponent saith that one John Ross in Company with these Last men ordered her to be Carried away over the River in order (as she veryly believes) to prevent her being an evidence against them, and this Deponent further saith that Samuel Smith the then present high Sheriff of Laneaster told this Deponent that he was afraid the men wou'd do her a mischief unless she went away. This Deponent further saith that she prevailed with the above nam'd Mr. Samuel Smith to admitt her to speak with the people in Cresap's house but that when she was permitted to approach to the Door she was immediately haul'd away by a Croud of others and by these means prevented speaking with any in the house to her satisfaction. An this Deponent further saith that being obliged through their threats and menaces to depart out of their sight, Came to Cannon's house a second time, but before she left the place saw a Canoe sett off from Creasap's Shore with one or two men in her and pass over to the other side; and this Deponent further saith that she tarried out of Sight of these men surrounding and besetting Captain Creasap's house untill such time as the said Canoe return'd with four or five men in her; and further saith she saw these men goe up to Creasap's house. This Deponent saith that she Continuing very uneasie Left Cannon's house whither she had gon after these Severall transactions, and being follow'd by some of her Daughters and eoming within Sight of Cresap's house saw the said house all on fire and heard severall Guns fire and observed severall to fire after Captain Creasap and his family as he fled from his house in Order to save himself.

And this Deponent further saith that before she cou'd gett down to the house Creasap was taken prisoner and Carried into the flatt; & further saith that she was mett by 3 or 4 men leading a wounded prisoner one of Captain Creasap's men (Loughland Maloan by name) and foreing him into the flatt. This Deponent says she saw the Blood trickling down his Belly; and this Deponent further says that after these Lancaster men had made prisoners of Captain Creasap & his other two men she saw

these Lancaster men violently beat and abuse the above named Loughland Maloan with the Butt ends of their musquetts or Pistolls and heard Thos. Creasap say to the men Carry him out, for the man was Kill'd. And this Deponent says, she saw them haul him the said Maloan out of the flatt after dead, and heard one Edward Smout, Justice of Lancaster County say these words (viz) well 'tis man for man. And this Deponent further says she saw them sett off the flatt and pass over the River Susquehannah with Captain Creasap and one Miles Foy prison-This Deponent says that she and some others made a Pen with fence Rails and laid the dead man therein: and further says that the next morning one William Lowe with her & others went down to the River Side where the Dead man was laid the Evening before, but found that he was Carried away: but Can't tell by whom, but that very nigh to the Pen where the Corps lay the evening before, the above William Lowe found a small Pistol.

And further this Deponent saith not

Sworn to before me Charles Higinbotham

Baltimore County ss: December 27th 1736.

The Deposition of Rachel Evans aged 30 years being duely Qualified and sworn.

Deposeth as followeth:

This Deponent saith that having sent her Daughter aged about ten years over to Captain Creasap's in order to feed a Bull belonging to this Deponent, and the said Child tarrying some what long, she this deponent was verry uneasie and went out to meet the Child to Know the Cause of her Stay, and having mett her Child and being inform'd by said Child of the Cause of her Stay, went forward to a Convenient distance from Captain Thomas Creasap's house and there and then saw a Company of men surrounding and besetting the said Ths Creasap's house, and this Deponent further saith the she Con-

tinuing at this Distance (about the space of two hundred yards) departed in Order to goe to One William Cannon's to procure some one or other to goe with her Back to Captain Creasap's house, And immediately from Cannon's house Return'd in Company with Frances Foy and Sophia Cannon down to Captain Creasap's house, and then and there, was mett by a Party of these men Besiegeing Creasap's house; and was prevented by the said party for some time to Come up to or Approach the said house of Th^s Creasap; And this Deponent further saith that at length being permitted to goe up to said house had some Discourse with the People in said house and then plainly discovered that most of the men besetting said house were chiefly Arm'd with Guns and Pistolls and this Deponent further saith that she Enquiring of those men besetting said house what they purposed and intended to doe with Captain Creasap, this Deponent declares that these men besetting said house Generally made Answer and said that they wou'd (unless Captain Creasap did and wou'd Surrender himself up to them prisoner) Burn down and destroy over his head the said house wherein he the said Creasap was then before they wou'd Depart thence, without having him the said Thomas Creasap either Dead or Alive: And this Deponent further saith that she discourseing with these men besetting said house Asked them did they Imagine that they Cou'd take Captain Creasap, these said Men Replied that there were men Enough to Come from over Susquehannah out of Laneaster County to aid and Assist them; and this Deponent declares that she presently saw a Canoe sett off for other Shore, and Some time afterwards this Deponent Saith. that she saw a flatt, or Skow, Come and Land nigh to Creasap's house with about 20 or 30 men in said flatt or Skow who All marched up to Captain Creasap's house all in Arms; this said Deponent Declares that afterwards she went home, and then and there being Alarmed by the noise of eight or ten Guns, fired off at Captain Creasap's house; went back again in Company with Francis Foy within Sight of said Cresap's house And then and there Saw a Canoe Coming over the River, with four men in

said Canoe and this Deponent further declares, that Justice Smout of Lancaster County (as she was informed) came over on this said Last Canoe; with full power and Commission (in him Deposed) by the Government of Pensilvania to fire and Burn down the said house of Captain Creasap.

And this Deponent further saith that she went back to William Cannon's house, and being there heard Guns fire and the Voices of People Shouting; then immediately went back to Captain Creasap's house and then and there saw said house all on fire and dropping to the ground and likewise saw Captain Creasap taken Prisoner & Carried into the flatt or Scow. this Deponent further saith that she Called out to Capt Creasap in the flatt and enquired if he was Shott or wounded who made Answer and Said he was Shott in the Shoulder; this Deponent further saith that directly after this she one Loughland Maloan Servant or hireland of Captain Creasap's, Carried out of said flatt or Scow Allmost Expiring and Gasping for Life; and then this Deponent Looking behind her Saith she saw One Michael Rizner prisoner Carried into said flatt or Scow, and immediately saw another Prisoner born along into the flatt with Blood running down his face, And immediately saw another man of Capt Creasap's in the River and one of Lancaster County men lay hold of him and bring him back again into the Scow or flatt; And this Deponent further saith that She Assisted with other Company belonging to Baltimore County to make a Pen or Enclosure with fence Rails to secure the Dead man (Loughland Maloan by name) from Hoggs or other injuries; And this Deponent saith that on the next morning she this Deponent went down with others in Company to see what was become of said Dead man but declares that he was Carried away out of said Pen but Can't tell by whom and she further saith that William Low found a Pistoll close by said Pen where the Dead man Lay the night before; and further saith not.

Charles Higinbotham.

Sworn to before me.

Baltimore County ss. Debr 27th 1736.

The Deposition of Sophia Cannon Aged 28 years being duely Sworn and Qualified deposeth as followeth:

This Deponent saith that Going down on the 24th or 25th day of November last past unto the House of Captain Thomas Creasap in the Morning she this deponent saw to the number of 24 or 25 men some bearing and others having their Arms in A Readiness all Surrounding and besetting the said house of Captain Thomas Creasap, And she this Deponent saith that she heard Several and in particular One David Priest say that he and they would hawl Captain Thomas Creasap out of his house and wou'd not depart untill they had Thos Creasap prisoner along with them; And this Deponent tarrying there some Considerable time saw a Flatt or Scow coming over the River Susquehannah from Laneaster County with 25 men in the said flatt or Scow, And she this Deponent further saith that she Saw these men March up to Creasap's house the most of whom were Arm'd, And this Deponent further saith that she heard the men Surrounding and besetting Capt Creasap's house say, Surround the house for that they wou'd have them all before night. And this Deponent Saith that she went home directly and did not Return to Capt Creasap's untill she this Deponent heard Guns fired off at Capt Creasap's And immediately went down in Company with One Raehel Evans to Captain Creasap's And then and there saw the House burning and likewise Captain Creasap running to a tree in Order to shelter himself. She this Deponent declares that she saw two men Apprehend and Seize on Captain Creasap and Carry him Prisoner into a flatt or Scow; and this Deponent Saith she likewise saw one Loughland Maloan a Servant or Assistant to Captain Creasap Carried into the flatt allmost expiring as he went along or rather as they dragged him. And this Deponent further Saith that she saw the men who had made Capt Creasap and his men Prisoners, strike Beat & Violently Abuse Captain Crcasap, and this Loughland Maloan with their Pistolls, and she this Deponent saith that she Called out to these men so Striking and Abusing, what they meant or intended? who made Answer to her this Deponent, and said what Cou'd they do with him the said Loughland, for he was mad and Raveing; And this Deponent further saith that some time afterwards she saw the said Loughland Maloan lying expiring on the Shore, and she this Deponent saith that she saw One John George Bare Seized and Carried prisoner by these Laneaster County men into said Scow with Blood Running down his face and further this Deponent Saith that it beginning to grow Late she went home to her house And further saith not

Sworn to before me

Charles Higinbotham.

Maryland Baltimore County

The Deposition of Henry White Aged Abt fifty years makes Oath on the holy Evangilist as follo

That He the said Henry White on the same Day that Capt Cressaps House was burnt, was goeing Down to Capt Cressap's to borrow an Iron Chaine, and seeing two or three men Stand at the Back of Capt Cressaps house, behind the Oven, he this Deponant walked vp to them, and Asked them what they Came there for, who Answered they Came to take Capt Cressap And Cressap they would have before they went Away. One of the men took this Deponant by the hand, And Asked him how he did, who this Deponent Says he knew to be one Michel Attkinson. At the Same time Came An Elderly Gray headed Man And Asked this Deponant where he was goeing, who Answrd him he Came to Capt Cresap's to borrow A Chaine; Vpon which the old Man Ordrd this Deponant to Stay there telling him he prest him & Every One that Came there, and that they would not suffer Any body to goe away Againe. This Deponant Cannot tell who the old man was. This Deponant Sayeth farther that a Servant Lad of old John Wright's Came & took this Deponant by the hand & asked him how he Did, who goes by the name of Ned. Then this Deponant Looking Abt much Surprized See a great Many Men About the house, to the number of Abt forty or fifty, And this Deponant Looking on the Shead Ruff of Capt Cressap's house he see a Large brand's End of fire on the house, which this Depont Says Seem'd to be fresh & full of fire, weh gave him this Deponant Still Greater Vneaseyness, but was

Affraid to Ask Any Questions, And After a Small time he this Deponant see An Opportunity to get Away, w^{cn} he Did vndiscovrd. And As this Deponant was makeing what haste he Could home, About a Quar^{tr} of a Mile or A little farther from Cap^t Cressap's house, he this Deponant heard a great Many Gunns goe off towards Cap^t Cressap's house And furth^r this Depon^t Sayeth not Dec^r 4th 1736.

Sworne before me

Nat: Rigbie.

The Examination of Michael Atkinson of Lancaster County in Pensilvania Taylor

This Examinant saith that the Evening of the Day before the house of Captain Thomas Cresap was burnt Samuel Smith high Sheriff of the said County of Lancaster came over Susquehannah River with twenty two Men or upwards who called in their Way at the house of Samuel Blunstone a Justice of the Peace in the said County where Guns were provided for them (which belonged to and were sent as this Examt was informed by the Proprietor of Pensilvania) and Each of the said Persons carryed a Gun, and they all went (as this Examinant was informed) and surrounded the said Cresap's house very early the next Morning: That afterwards, that Day being the same Day on which the said Cresap's house was burnt, this Examt and Sixteen Men more had Guns delivered to them at the said Blunston's and were sent to assist in takeing the said Cresap; that when they went thither the said Cresap was in his house and required by the Sheriff to surrender himself, which the said Cresap refused. And that after the Sheriff and the said Persons had continued there some time, and finding that the said Cresap would not surrender himself they, the said Sheriff and the Other Persons who were with him, were on going away. But before Night Edw^d Smout One of the Justices of Lancaster County came over the River to them and read a Warrant to the said Cresap & required him to surrender, which the said Cresap refusing to do, the said Smout ordered the said Cresap's house

to be set on fire. Whereupon the said house was set on fire & eonsumed to Ashes, but this Examt does not eertainly know, Who it was that set the said house on fire: That as well before as after the sd house was burnt several Guns were fired on both sides, and a Man who was in the house of the said Cresap was killed, but by whom this Examinant does not know; That among the Persons who eame to apprehend the said Cresap and were present at the burning his House besides the said Sheriff Justice Smout and this Examinant were the following Persons Viz-John Patten John Ross John Capper Edward Hampill Patrick Clark David Preist Saml Scott Jnº Stewart Benjamin Sterratt Jacob Peatt James Patten Arthur Buchanan Hugh Mackenelly William—and Ned—Servants Mr John Wright John Mitchell and William Clark, and this Examinant saith that he knew that the said Cresap lived under the Government of Maryland and always refused any Obedienee or Submission to the Governmt of Pensilvania. And this Examinant further saith that on the fifteenth day of this Instant he this Examt together with John Ross herein before mentioned and about Eight Men more, Viz-Henry Hendrieks Young John Wright and Two of Old John Wrights servants Daniel Mackenzy and a Servant of Samuel Blunstone's, but the rest he remembers not, eame to rescue some Prisoners apprehended by Mr Higginbotham by Virtue of a Warrant (as this Examinant was informed by him) from the Magistrates of Maryland, and that this Examinant and those who eame with him were each of them armed with a Muskett and a Case of Pistols and some of them with Hangers which were delivered to them by the said Saml Blunstone at whose house this Examinant was at Work, that when the said Arms were delivered this Examt had three Charges of Gunpowder and swan Shot delivered him and that all the Rest had Ammunition delivered to them but he knows not how much, and this Examt at present saith not.

Michael Atkinson.

Taken at Annapolis this twenty fifth day of January 1736 before the Governor and Council. The Deposition of Stephen Onion of Baltimore County Gentlemen aged forty Years or thereabouts being a Person well known and of good Credit.

This Deponant being duely sworn on the Holy Evangelists Deposeth and Saith that a Tract of Land Called the Pleasant Garden Lieing on the West Side of Susquehannah River in Baltimore County was laid out or Surveyed in the Year Seventeen Hundred and twenty nine (but the time of the Year this Depont doth not Exactly Remember) by Virtue of a Warrant, Purchased out of the Land Office of Maryland by this Depont and by him Sold and transferred unto Capt Thomas Crossap upon which Land the said Cressap Soon after it was Surveyed Settled and built. This Depont further saith that the same Year a Parcel of Land Called Bulford Containing Eighty Onc Acres was Surveyed by Virtue of a Warrant from the said Office for Jacob Herrington who soon after Settled thereon and has Resided there ever Since; That in the Year Seventeen hundred and thirty, a Parcel of Land Called Bonds Mannour Containing four hundred and Sixty Acres was Surveyed by Virture of the like warrant for Thomas Bond whereon William Cannon and John Lowe have been Settled some years (but how long this Depont Cannot Exactly tell); That by Virtue of a Warrant bearing date the nineteenth of December Seventeen Hundred twenty nine Issued out of the said Office a Parcel of Land Called Conhodah Containing Six hundred Acres was on the Second of June in the Year Seventeen Hundred and thirty Surveyed for this Depont which this Depont Settled and began to Improve in february Seventeen hundred & thirty two and hath been ever Since and Still is in the Quiet Possession thereof and hath had Servants and a Stock always there; That on the twenty sixth Day of September Seventeen Hundred thirty One a Parcel of Land Called Smith's Choice Containing two hundred & ninety Acres was by Virtue of the like Warrant Surveyed for this Depon^t which he this Depon^t Sold and Transferred to one William Smith who Soon after Settled the Same And this Depon^t further deposeth and Saith that he has been on the said Lands as well before they were Surveyed as about the time of the first Surveys and often Since that he very well knows that all the said Lands Join together and for Cause of his knowledge Saith that he is Aequainted with the Seituation of the place has seen the Plotts & Certificates of all the sd Lands, and Understands surveying, and that all the said Lands have been deemed and Reputed to be in Baltimore County and have been held ever Since they were Settled under the Lord Baltimore, and the said Settlers looked and Esteemed themselves as Inhabitants of Maryland and Subject to its Laws and (as this Depont believes and hath been Informed) always paid their Taxes in Maryland as this Depon^t declares he has always done for his Servants that live on his own land herein before mentioned, and that this Depont heard that the Proprietors or people of Pensylvania ever disturbed any the said Settlers for making their Settlements or holding their Possessions under the said Lord Baltimore or Claimed any of their Settlements Except the said Thomas Cressap's whose house which stood on the said Land Called Pleasant Garden they (the Pensylvanians) lately burnt, as this Depont hath been Informed; And this Depont also saith that before the Improvements made on the said Lands by the said Settlers there were no Improvements on them that this Depon^t Saw but a few Indian Cabbins and a little Hutt made of logs and a Small Quantity of Ground Cleared by a White Man who was driven away by the Indians as this Depont was Informed and which hutt was sometimes Empty and at other times Possessed by the Indians, and that no White Person or Persons was or were Settled on any of the said Lands to this Deponts Knowledge or that he hath heard of when the people herein before mentioned Settled and Improved the same. And further this Deponant Saith not.

Stepⁿ Onion.

Sworn to at Annapolis before me Robert Gordon Esq^r One of the Justices of the Provincial Court of Maryland this twelfth Day of January in the Year of our Lord Seventeen Hundred thirty Six.

Robert Gordon.

The Deposition of Rachel Evans Wife of Edward Evans of Baltimore County Planter.

This Deponant being duely Sworn Deposeth and Saith that her this Deponts Husband lives within about half a mile of the late Dwelling House of Captain Thomas Cressap which was lately burnt by the Pensylvanians, And that her said Husband hath Lived there five years last January. That Jacob Herrington lives about a Mile & a Quarter from the said Cressaps and to the Westward therefrom and lived there near Seven Years, That Robert Cannon lives within about a Mile and an half from the said Cressaps and hath lived there about three years. That one W^m Smith hath a Plantation about two Miles Westward from the said Cressaps which hath been Seated about four years or upwards, And that her Husband and the Several other Persons herein before mentioned have always been Reputed and Deemed to be Marylanders, that her Husband to her Certain Knowledge hath always paid his Levys or Taxes in Maryland and lived under the Government and Laws thereof. And that She never knew or heard that any Magistrate Officer or Inhabitant of Pensylvania Demanded any Rent Tax or Levy of her Husband or Required or called upon him to do any Service or Act as a Pensilvanian, And that She verily believes that no Rent Tax or Levy has been Demanded of any of the other Persons mentioned in this her Deposition, And that if any such Demand had been made she would have heard something of it, And this Deponant further Deposeth and Saith that there are Several other Persons Settled by Maryland Rights, Some within two & some within three or four Miles of the sd Cressaps who are Deemed Marylanders.

And this Deponant saith that she hath been informed by some of her neighbors that Mr. Thomas Penn one of the Proprietors of Pensilvania has lately taken a Resolution to turn such as have Settled in this Deponants Neighborhood out of their Possessions by force and if he could not bring his Purpose to pass Otherwise he had Engaged the Indians to Assist therein And

that the Indians were ready to Come when they should be sent for; And that the Neighbours are under Apprehensions and fears that the Indians will be Instigated by the said M^r Penn to Destroy some of them this Deponants Neighbours and further this Deponant saith not.

Rachell R. Evans.

Sworn to at Annapolis this first day of March in the Year of our Lord Seventeen hundred and thirty Six

> Before me W^m Rogers.

[Other witnesses give similar testimony.]

THE FIRST GRANTS ON THE PATAPSCO.

CHARLES WEATHERS BUMP.

Following the lead of Chronicler Scharf, it has been the custom for many years to regard 1661 as the date of the first beginnings of Baltimore. It was in that year, as all students of Maryland history know, that Cecil Calvert, the Lord Proprietary, made grants of certain tracts that are now embraced within the city, including the familiar "Jones Range" to David Jones, "Mountenay Neck" to Alexander Mountenay and "Whetstone Point" to Charles Gorsuch. But the proper date of the beginnings of Baltimore, according to a discovery I have recently made in the old rent rolls purchased by this society from the Calvert heirs, is 1652 and not 1661. In the earlier year, as I learned, were made the very first surveys of land along the Patapsco river, and between that period and 1661 more than twenty other persons took titles to plantations at points on the

north and south sides of the river. It certainly seems reasonable that the pioneer grants along the Patapsco should be regarded as the first step in the history of the city rather than the taking up of those particular tracts of land upon which portions of the incorporated Baltimore town were laid off in 1729. The discovery, which was made by a careful comparison of the dates of all land grants recorded for Baltimore and Anne Arundel counties, would therefore seem to have some importance and justify further inquiries as to the identities of the pioneers whose names were thus uncovered.

In 1652 Maryland had been in existence eighteen years. Forty-four years before, in 1608, the redoubtable Captain John Smith, in an open boat, had entered the Patapsco and first made known the river to the English settlers in the New World. Of the intervening years we know but little, though there is small reason to doubt that Virginia traders and, later, Maryland traders, seeking furs and corn from the red men, frequently came into the Patapsco, as into every other stream along both sides of the Chesapeake. In 1634 occurred the founding of St. Mary's by the emigrants sent out by Lord Baltimore. Other parties which followed in the gradually increasing stream of immigration clustered along the banks of the Potomac and the Patuxent, and except for the Claiborne colony on Kent Island and its spread-over into adjacent necks of land on the Eastern Shore there was practically no attempt to settle the upper part of the bay until the Puritans, in 1649, cast their eyes upon the region now embraced in Anne Arundel county. The dreaded Susquehannoughs still used the great "North Woods" beyond the Patapsco as their choice hunting ground, and the more dreaded Iroquois at times came down the Susquehanna and made the people of the infant Maryland, hardy as they were, afraid to venture into such exposed corners of Lord Baltimore's domain as those which bordered on this river. Thus it was that the Patapsco was left to the red men until Maryland had attained such a growth that there was an estimated population of 10,000 within the Province.

The settlement of Anne Arundel, in 1652, may be regarded as the direct introduction to the settlement of the Patapsco. Nearness made its attractions more evident to the aspiring planter, and new-comers who had complied with Lord Baltimore's conditions of plantation, and so were entitled to gifts of land at his hands, began to weigh the fertility of the Patapsco's banks against the perils of savage inroads. Everyone craved waterside farms, for water-ways were the only means of access and of the shipment of products. The choice sites on the Potomac, the Patuxent and the Severn were gone, and many another cove or smaller river had already seen its pioneer planters.

The opening up of the Patapsco to settlement came at a troublous time in the colony's history. For three years Cecil Calvert had postponed the seizure of his province by the Commonwealth, but in the previous March Richard Bennett and William Claiborne, armed with Cromwell's commission, had swooped down upon Maryland and superseded the Lord Proprietary's authority. Governor William Stone, one of the Protestants of Anne Arundel, was continued in office; but with Lord Baltimore's two vigorous antagonists issuing orders to him from Virginia and frequently making visits up the Bay to see that they were carried out it was a time of worry and dread as to the final outcome.

Under such circumstances came the first grants into the valley of the Patapsco, in November, 1652. Sailing into the mouth of the river in his shallop His Lordship's Surveyor-General landed on November 19 on the south side a short distance above the bay, and before nightfall had marked off five tracts for the use of as many grantees. There were 200 acres for Thomas Sparrow, another 200 for the same person, 350 acres for Richard Ewen (or Ewing), 600 acres for William Blay and 200 acres for Samuel Withers—a total of 1,550 acres, or two and a half square miles, all on the water front on the south side not far above the bay.

On the following day, November 20, 1652, the Surveyor-General crossed to the north bank and there laid out four more tracts, two on that day and two on November 22. To Thomas Sparrow

was given, on November 20, 600 acres, which he named "North-conton," but which is evidently the site of the busy industrial town of the Maryland Steel Company, Sparrow's Point. For Thomas Thomas and William Batten (or Battin) jointly there were on the same day laid off 1,150 acres which bore the name "Old Road." On November 22 Richard Owen (or Owens) acquired a tract of 425 acres which he named "Landisell," and on that same day the first visit of the Surveyor-General came to an end with the measuring of a tract of 300 acres for Augustin Gillett, which passes in the records under the name of "Gillett."

Eight men, it will be seen, are to be recognized and honored as the pioneer grantees of the Patapsco. They are:

WILLIAM BATTEN.
WILLIAM BLAY.
RICHARD EWEN.
AUGUSTIN GILLETT.
RICHARD OWEN.
THOMAS SPARROW.
THOMAS THOMAS.
SAMUEL WITHERS.

It would be going too far to say that the eight settled and made their homes here as soon as the necessary grants were made out by the Lord Proprietary's officials. Indeed, research shows that several in this list were already conspicuous in other counties and that they continued to maintain their home plantations in those other counties down to the time of their death. The Patapsco additions to their holdings were but investments for them—virgin tracts taken in exchange with Lord Baltimore and in accordance with his pledge of 50 acres for each able-bodied man transported into the colony. At least two of the men on the list had participated most actively in this work of adding to the number of Lord Baltimore's tenants, and in return were given by him tracts of some size in several counties. But some at least made efforts to work the land thus acquired along the Patapsco, and they or their farmers, being joined in a few years by the

Gorsuches, Thomas Todd and others, were the true nucleus of that "settlement in the Patapseo" which occasionally appears in colonial records before the incorporation of Baltimore town in 1729.

Of these eight men perhaps the most conspieuous in the Maryland history of their generation were Samuel Withers and Richard Ewen, both of Anne Arundel county. Withers was a man who evidently speculated in land in the colony, for this grant on the Patapsco was the first of eight, scattered in six of the counties of the province. Their total aereage was 1,950, representing the importation of 39 able-bodied persons into the colony. Land transfers and purchases, if examined, would probably show that he had many other holdings not acquired directly from the Proprietary. In Anne Arundel he had 350 acres on the south side of the Severn, near Howell's creek or Ferry creek, and this would seem to have been his place of abode.

Withers was evidently one of the Puritan party of emigrants into Maryland, and eame into political prominence at the time of the domination of Anne Arundel in the affairs of the province before Catholie St. Mary's had been restored to its former prestige by Governor Charles Calvert. In 1657 Withers and Thomas Thomas were both judges of the Provincial Court. In March, 1659, with Captain Fuller and others he went to St. Leonard's to surrender the Puritan government into the hands of Lord Baltimore's agents, which was accomplished March 22. In July following he became one of Anne Arundel's first county commissioners, served again in 1665-6 and during the interim was one of the local justices. In the General Assembly of April, 1669, he represented Anne Arundel in the Lower House and took vigorous part in a strenuous quarrel with the Upper House over privileges and grievances. His death occurred in 1671, his will being proved June 2. His wife, Elizabeth Withers, who was a daughter of William Durand, of Talbot county, was left a life interest in half his estate. His only son, Samuel, was to receive one-half on attaining his majority and the other half when Mrs. Withers died. Should the son die, the heirs were to

be William and Thomas Pennington, orphans of William Pennington, of Anne Arundel county. The son, Samuel Withers, did not die young, however, but lived to become High Sheriff of Talbot county. His grandfather Durand had left him a plantation on Wye river, and he changed his home from Anne Arundel to Talbot. He was High Sheriff at the time of the Protestant Revolution, and was one of Coode's active supporters against Charles Calvert. He died in 1697, leaving no direct heirs, and a claim on his estate by the Van Swearingens, of St. Mary's county, led to litigation which obtruded itself into the General Assembly of 1700.

The political career of Ewen (or Ewing) was of longer duration and greater conspicuousness than that of Samuel Withers. The first land obtained by him by grant was that on the Patapsco. A week later than this, on November 26, 1652, the Surveyor-General marked off for him 600 acres called "Scotland," near Fishing Creek, on the Bayside, a little above the north point of the Severn river, and subsequently he acquired 640 acres on West river in three tracts. On July 22, 1654, Bennett and Claiborne named him one of the "commissioners to direct and govern the affairs of this Province," and in the same year he became a judge of the Provincial Court. In 1657, when the Puritans called a General Assembly at Patuxent on September 24, Richard Ewen, who was one of Anne Arundel's delegates, was chosen Speaker. He served in this Assembly on an important committee to inquire into the payment and disposal of fines "amerced upon any of the disturbers of the publick peace of the Inhabitants of this Province in the last engagement." When Anne Arundel was formally organized in July, 1658, Ewen was named on the first board of commissioners. The next day he was appointed a major to command, under Colonel Nathaniel Utie, "all the forces from the south side of South river up to the head thereof and Mr. Anthony Salway's house in the Herring Creek, inclusive." This militia appointment caused him to decline the county commissionership. In the General Assembly, called February 28, 1659, by Lord Baltimore's direction, Ewen was again Speaker. In 1664 he finally accepted a county commissionership, but was on March 14, 1664-5, picked for High Sheriff of Anne Arundel and appointed by Governor Calvert April 13. The following November he again became a county commissioner. The last office he is recorded as having held was that of a county justice.

Thomas Sparrow was also of Anne Arundel. In the September before he took up his Patapsco lands he had secured 590 acres on the west side of Rhodes river, which he named "Sparrow's Rest." This seems to have been his principal home down to his death in 1675, and in 1673 he enlarged it by 100 acres, entered as "Sparrow's Addition." He called himself a resident of Anne Arundel, but he held on to his Baltimore county property and by his will, made January 1, 1674-5, a short time before death, he directed that his "plantation at Patapsco" be given to his son Thomas when he reached the age of twenty-one. Thomas was also given the Anne Arundel property, with a half interest for life to the widow. Some personal property was divided among a daughter, Elizabeth Sparrow, and a brother, Solomon Sparrow. Thomas Sparrow was not active in public affairs, like Ewen and Withers, and there are no references to him in the Colonial Archives. The family, however, was long domiciled in Anne Arundel and that county's parish registers, preserved in this society contain many entries of the descendants of Thomas Sparrow, whose name is perpetuated on the Patapsco by Sparrow's Point, the only one of these eight pioneers to be thus remembered.

Thomas Thomas and William Batten were near neighbors in St. Leonard's creek, Calvert county. Thomas was in the colony at least as early as 1642 and was at first of St. Michael's Hundred, in St. Mary's county. He was fined for not attending the General Assembly of 1642, but later appeared as proxy for Captain Cornwallis. Tax lists of St. Mary's about that time put him far down in the arrangement of property owners for assessment. When Leonard Calvert regained possession of the government in 1646-47 his name is with Lewger, Gerrard and

others who swore fealty to Cecil, Lord Baltimore. In 1650 Robert Brooke who had just brought a large and notable party of emigrants from England, accused Thomas of getting land on the south side of the Patuxent without proper legal steps; but the Surveyor-General declared that Thomas had a warrant for the land, and the case dropped. On August 11, 1651, there was surveyed for Thomas "Dear Bought," a tract of 200 acres at St. Leonard's creek, and in 1657 "Bachelor's Rest," 500 acres in St. Clement's Hundred, St. Mary's county, at the head of St. Mary's bay. After having served as arbitrator of land disputes and as one of the jurors of the Provincial Court, Thomas, in 1657, rose to the dignity of a judge of that court. He died in the winter of 1670-1, and left his home estate and part of his other lands to his son William, and the remaining portion of the lands to his three daughters, Mary, Grace and Elizabeth Thomas.

Batten is mentioned first in 1651, and the year 1652 appears to have been one of especial activity for him. Before getting his Patapsco tract he had obtained on August 13 500 acres, called "Williamby," on the east side of St. Leonard's Creek, and he had likewise been fined for "selling wine and strong drink" without a license. He and Thomas both appear to have done considerable trading in tobacco, and in 1656 Batten was arrested in a suit for debt. He had several other business vexations of this sort. In 1654-5 he added 200 acres called "Batten" to his St. Leonard's Creek place, and in February, 1662-3, had 1,000 acres surveyed for him on the west side of Wicomico river, in Charles county. His death occurred in the same year, and Josias Fendall appears to have gobbled up this last-named property in some way. Captain Batten left no son, only a daughter, Lydia, married to George Newman. His widow, who subsequently married John Bowles, was his executrix and chief heir.

Of Augustine Gillett there is not a trace beyond this single survey of land, though there were other Gilletts in the province. Of William Blay we know little more, except that he was most probably the father of Edward Blay, a magistrate in Cecil and the owner of land in Kent and Queen Anne's. Rachel Blay, daughter of William Blay, was the wife of Aquilla Paca, of Kent, and died in 1734, but her father was most probably the grandson of this earlier William Blay in whom we are interested.

Richard Owen I cannot positively identify. It may be that he is identical with Major Richard Ewen, although the rentroll copyist wrote the two names quite plainly and differently. Some color is given to this theory by the fact that the group of items embracing the grant to Ewen seems to have been copied from some older memorandum and has not the usual details of the other entries. One of the surveys of 200 acres for Sparrow is there, and just as this may have been a duplicate entry of the other 200 acres, so may Owen and Ewen be the same. If, however, there was a distinct grant to a Richard Owen, the latter may have been one of several persons. may be the Captain Richard Owen, of Owens, who in 1689 acquired Owen's Range in Anne Arundel, and from 1688 to 1723 added to his holdings a total of 1,890 acres in the neighborhood of Elk Ridge and the falls of Patapsco, five tracts bearing the names of "Owen's Adventure," "Long Acre," "Locust Thicket," "Valley of Owen," and "Owen's Outlet." Or he may be the Richard Owen who was executor of Samuel Spicer's will in 1673 or the Richard Owen who was a taxable of Dorchester in 1678 and one of the commissioners to lay out town sites in that county in 1683. Without further clues nothing definite can be said as to his identity.

It is to be regretted that we have no details as to the actual manner and time of settlement after these eight Maryland colonists had secured their lands on the Patapsco. Only the bare but important fact of this first visit of the surveyor is really ours. And yet that initial coming of white men in search of fertile lands along a hitherto unsettled river did not lack picturesque details which it is quite allowable to add from the imagination. The usual weather of November days in upper Maryland we all know. By this time the leaves on the myriads

of trees had not only turned red and brown with autumn chills, but had curled up, become full of holes and fallen to make a mantle for the ground ere the snows came. The broad river's surface was as shimmering and silvery as it now is when undisturbed by passing tug, steamer, or sailing craft. The canvasback duck and the smaller marsh birds rose in alarm "in millionous multitudes "-to use Alsop's phrase-as the intending settlers sailed past Bodkin Point. On the exposed headlands and low bluffs there was prominent that red clay soil which had nearly half a century before led John Smith to believe he had discovered extensive deposits of that unctuous pigment-earth known as Armenian bole. Perhaps, too, a few curious Indians could be seen ashore as the men from St. Mary's drew near. The Surveyor-General came in one shallop and possibly was attended by some of the intending grantees in others of those little sailing vessels which were the forefathers of our numerous and busy Bay fleet. Once landed, the surveyors, with due precautions against being surprised, busied themselves with rod, chain and level and made short work of laying off those tracts of woodland and occasional open field to which our attention has been drawn as the first steps in the chain which conducts to the Baltimore of today.

1607, 1634, 1652, 1659, 1729, 1797.—These are the significant dates. First the founding of Virginia, then of Maryland, then this peaceful invasion of the Patapsco, then the establishment of Baltimore county, then of the town, then finally in 1797 incorporation as a city.

REVIEW.

Maryland; the Land of Sanctuary. A History of Religious Toleration in Maryland from the First Settlement until the American Revolution. By William T. Russell (pp. xxxviii + 621). Baltimore: J. H. Furst Co., 1907.

In this book the Reverend Mr. Russell has presented to students of Maryland history a most valuable and scholarly account, not only of religious toleration as established by the first Proprietary, but also of subsequent religious intolerance in Maryland during the colonial period. His statements of fact are sustained by constant references to authorities, with copious foot-notes. There are besides twenty-four valuable appendices giving the actual words of documents referred to in the text, which is further enriched by extracts from original manuscript records in the Archiepiscopal Library of Baltimore hitherto unpublished. The book gives evidence of most careful and painstaking research.

Himself a distinguished clergyman of the Roman Catholic Church, for years attached to the Cathedral at Baltimore, and recently selected for the important post of Rector of St. Patrick's Church in Washington, the author is frankly the champion of the Church of Rome, and, consequently, scrupulously careful and accurate as he is both as to facts and citations of authorities, there is, unconsciously, no doubt, something occasionally in the form of presentation or in the conclusions drawn, which suggests to the mind of the layman, an ex parte rather than a judicial view—we seem to be listening to an advocate rather than a judge.

The author maintains the opinion that the actuating motive on the part of the first Lord Baltimore, who sought the charter of Maryland from the King, Charles I, as well as that of his son Cecilius, to whom, after his father's death, the charter was granted, was to establish a place of refuge from persecution for his fellow members of the Roman Catholic Church. This view is summed up (p. 296) in these words:—"The main purpose of the Lords Baltimore in founding Maryland was with-

out doubt a religious one." Again, on p. 309, "We are forced to the conclusion that the inspiration, the leading motives of the Lords Baltimore in founding the Maryland colony were religious."

This conclusion seems to the present reviewer to be entitled to a Scotch verdict of "not proven." George Calvert, the first Lord Baltimore, was directly connected with the earliest English colonies in America. "As early as 1609 he had been a member of the Second Virginia Company, and was also one of the provisional council for the management of the affairs of that colony after the revocation of the charter, and one of the eighteen councillors of the New England Company in 1622."—(Browne, George and Cecilius Calvert, p. 15.)

The first Lord Baltimore had, therefore, ample knowledge of colonial conditions in America. He had seen the first two English colonies, despite the disastrous experiences at Jamestown and Plymouth, become self-sustaining and prosperous, in the course of comparatively few years. Is it surprising that weary and apprehensive of conditions in England, his ambitions should have led him to conceive of the establishment of a colony upon new lines—a province, a palatinate, of which he and his descendants should be the proprietors and rulers? He knew of the oppressions and persecutions perpetrated in the name of religion in the old world and in the earlier colonies, and revolting therefrom may well be supposed to have determined that in a colony of which he had control such cruelties should not be allowed. But the first Lord Baltimore did not live to receive the charter of Maryland. It was granted to his son Cecilius shortly after his father's death. proceeded promptly to carry out his father's project of colonization. The high, in fact, noble character of Cecilius has been recognized and acknowledged by every writer upon Maryland's colonial history, who has written with knowledge of the subject and in an impartial spirit, and whose opinion therefore is worthy of consideration. The full meed of praise has been awarded to him, as it is justly due. But it detracts nothing from this to doubt if the prime motive, either of him or his father in seeking to found a proprietary province in the new world, was a religious one.

Charles, the son and successor of Cecilius, and Governor of Maryland during the last fourteen years of his father's life, wrote in 1678 to the Lords of the Committee of Trade and Plantations an explanation of the reasons for the establishment of religious liberty in Maryland. He gave the practical reason, that when his father sought persons

REVIEW. 63

willing to expatriate themselves and settle in the new world, he found many "who declared their willingness to go and plant themselves in the Province, so they might have a general toleration settled there by a law by which all sorts who professed Christianity in general might be at liberty to worship God in such manner as was most agreeable with their respective judgments and consciences. . . . These were the conditions proposed by such as were willing to go and be the first planters of this Province, and without complying with these conditions in all probability the Province had never been planted."—(Archives, v; Council, 1667-1687/8, pp. 267-268.) The writer of this was in a better position to know his father's motives and aims than anyone else could possibly be. He was the most important witness to the facts, but his testimony does not sustain the theory that his father's prime motive was a religious one. Our author, in commenting upon this letter says (p. 302): "It must be remembered that Charles made this statement to men whose hostility he had reason to suspect and fear. . . . It would have been most unwise of him to have said that his father intended to offer a refuge for the persecuted Catholics." A case is not strengthened when, for its support, it becomes necessary to impeach the credibility of the principal and most competent witness.

The broad-minded and far-seeing Cecilius, first Proprietary of Maryland, had the wisdom entirely to separate Church and State. Unhappily this wise policy was overthrown and reversed during the sway of the royal governors, who, following the example of England. both before and since the Protestant Reformation, caused the Church of England to be "established" by law in the Province. Bozman, the careful historian, writing of the Acts of the earlier Assemblies and the provisions they contained concerning "Holy Church" makes this negative statement: "It does not appear that they had no intention of making the Roman Catholic Church the established church of the province," and he draws the inference that they did so intend. Upon this our author comments (p. 143): "Herein Bozman exhibits the character of the Protestant. The Catholics had the power to establish their church, therefore he concluded from this law they intended to do so. The Protestant always made his church the established church whenever the opportunity offered. Quite naturally he cannot understand that the Catholic would not do the same." As a matter of fact the Roman Catholic authorities, whether they wished to do so or not, never had the opportunity to make their church the established church in Marvland. Such action would have

meant the immediate forfeiture of the Charter of the Province. But if there were ever any instance in any country in which the Roman Catholic Church had the opportunity to become the established or State Church, and did not avail of it, history has failed to record the fact. The misfortune of the Church of England has been, that it has been dominated by the State. The misfortune of the Latin countries has been that too often the State has been dominated by the Church. This relation of Church and State is fully recognized by our author. He says: "Theodosius in 380 established Christianity as the State religion. Thenceforth Church and State for hundreds of years existed together in the close and intimate union of the same belief, each supreme in its own particular domain, in its offices, functions, laws and administration: independent, indeed, as organizations, vet dependent, in a measure, as powers; the civil authority of the State upholding the Church, the spiritual might of the Church commanding obedience to the State. But the Church in saving the social organism of the West gained a decided superiority over the civil power. Henceforth, until the Reformation, we find sometimes the State, sometimes the Church preponderating in influence, but always a union between the two" (p. 10).

The argument that follows (p. 12) to show that the "Church of England" is a creation of the English Parliament of 1538, and not the same as the "English Church" of Magna Charta, with its continuity preserved by an unbroken succession, relates to a question that will remain disputed until the time when there shall be but "one Fold and one Shepherd," and religious differences cease. But this question seems to be irrelevant in connection with the subject of religious tolerance or religious intolerance in Maryland.

The establishment of religious liberty in Maryland was due to the wisdom and liberality of mind of Cecilius Lord Baltimore, and not to the Church of which he was a member. In the author's quotation (p. 7) from Hergenröther, The Catholic Church and the Civil State, the doctrine is clearly expressed that the granting of even "a limited religious liberty" by a Catholic ruler could be justified only as a matter of policy, and not of principle. So, on the other hand, the acts of intolerance adopted under the royal governors, which every candid student admits to have been outrageous, are to be regarded as due to the influence of the Crown and its officers, rather than to the church established in England, and which, under that same influence, was established in Maryland. Therefore, such terms as the "Episcopalian

REVIEW. 65

revolution," the "Episcopalian government," which are frequently used, or the "Episcopal (sic) government" (p. 391), hardly present a correct view of the conditions, the real causes of which lav in the political situation in England, for the purposes of which zeal for the protestant religion was made a convenient but very transparent pretext. Acts of Assembly making the Church of England the established church in Maryland, providing for its support by taxation, and imposing disabilities upon Roman Catholics, deserve the most severe condemnation. But the terms above quoted are open to possible misconstruction, as applying to the Protestant Episcopal Church in the United States as now organized, which had neither part in nor sympathy with these wrongs perpetrated two hundred years ago. Our author himself frankly states (p. 469) that "the cruel laws against Catholics and the flagrant abuses of position should not be laid at the door of the whole Episcopal body. . . . The educated class of the Anglican laity has, in fact, always shown an inclination to a more liberal, catholic spirit."

On page 357, note, it is stated concerning the apostate and renegado, John Coode, a persistent promoter of sedition and an avowed atheist, that it was testified of him before the Council, that being asked whether he were in Holy Orders, he replied: "Yes. I am both deacon and priest in the Church of England." But no interest in religion influenced the actions of this impious railer against all religion. It was a matter of indifference to him under what flag he sailed so he could profit thereby. It was testified of him at Plymouth (England), after he had renounced his sacred office or been deposed therefrom, that on board ship, returning to England from Virginia in September, 1690, being asked by two mariners, Edward Burford and Simon Amberly, why he had overturned and assumed to himself and his associates the government of Maryland, he replied with an oath that "What I did was in prejudice or revenge to the Lord Baltimore and presently afterwards the said John Coode then and there also said if he went to Ireland or France he could do better than this deponent, Edward Burford, because that he, the said John Coode, could make a popish Mass." - Archives, VIII; Council, 1687/8-1693, p. 210.)

The book under consideration, with its wealth of references to original authorities, is a valuable contribution to Maryland's history. It is needless to add that in attractiveness of literary style it is well worthy of the author's reputation. But the reader needs to remember

that it is written by an ecclesiastic, devotedly loyal to the Church of which he is an honored priest, and that teachers of religion of whatever school are sometimes apt to ascribe to religious zeal and devotion, and to religious animosities, motives and acts which seem to a layman to be sufficiently and more reasonably accounted for on other grounds.

SMITH FAMILY OF CALVERT COUNTY.

CHRISTOPHER JOHNSTON.

RICHARD SMITH,1 the ancestor of this family, enters rights, 7 October 1662, for himself in February 1649 and his wife Eleanor in August 1651 (Land Office, Lib. 5, fol. 188). He lived in Calvert County, and owned land on St. Leonard's Creek and in the neighborhood of Lyon's Creek. Hc was a lawyer by profession and he frequently appears in this capacity in the records of the Provincial Court. He was commissioned Attorney General of the Province, 28 September 1657 (Md. Arch., x, 542) and held office under Fendall's administration until 1660. In the commission he is styled "Lieutenant Richard Smith," doubtless indicating that he held this rank in the Provincial militia. He was elected, 10 April 1658, one of the Burgesses for Calvert County (Lib. S., fol. 26). He was not a member of the House which met 28 February 1659/60 (Md. Arch., i, 382), but he represented Calvert County in the Assembly which met in April 1661, and sat successively until 1667 (Md. Arch., i, 396, 426; ii, 8). In 1665 he was Foreman of the Grand Jury of the Province (Lib. FF, fol. 64). 30 February 1671, "Richard Smith of Calvert County" was summoned as a juror by the Provincial Court and, not appearing, was fined 500 lbs. tobacco (Lib. JJ, fol. 264). In the levy of November 1678, "Mr. Richard Smith Senior" had a credit of 900 lbs. tobacco in Calvert County (Md. Arch., vii, 103), and, 22 May 1679, "Richard Smith Senior" of Calvert County was cited to appear at St. Mary's on the 6th of July following to testify in regard to the will of John Gnammar deceased. The citation was returned "served," 4 June 1679 (Test. Proc., Lib. 11, fol. 92). November 1683 an act was passed establishing a port on

Richard Smith's land at St. Leonard's Creek, and by the same act Richard Smith Junior was appointed one of the Commissioners for laying out towns and ports in Calvert County (Md. Arch., vii, 609, 611). Richard Smith Senior was probably living in 1689 when his son Richard is styled "Richard Smith Junior" (Md. Arch., xiii, 242), but neither his will nor any record of the administration of his estate appears on record. He probably died not long after 1689, when the records were very badly kept in consequence of the Revolution. A list of the Provincial Archives, compiled in 1695, states that from 13 July 1689 to 14 June 1692 no testamentary records were in existence (Md. Arch., xx, 200). Eleanor wife of Richard Smith joined her husband, in 1665. in a deed conveying land in Calvert County, 18 February 1671, Richard Smith sues James Veitch about a tract called Smith's Joy, on St. Leonard's Creek, which the said Richard Smith and Eleanor his wife conveyed to the said James Veitch by deed dated 18 January 1664/5 (Lib. JJ, fol. 280). 18 December 1669, Mrs. Eleanor Smith was one of the ladies of Calvert County who petitioned the Provincial Court for a respite of the sentence of an unfortunate woman convicted of child murder, she having concealed the birth of her child. The petition was granted and the prisoner respited until the 18th of October following.

Richard Smith and Eleanor his wife had (with perhaps other

issue) two sons :--

- i. Capt. Richard Smith,² d. 1714.
 ii. Col. Walter Smith,² d. 1711.
- 2. Capt. Richard Smith 2 of St. Leonard's, Calvert County, died in 1714, and his will (dated 31 July 1710, proved 23 Feb'y 1714) affords proof of his parentage. In it he appoints "my loving brother Walter Smith" sole executor and, among other dispositions, leaves to his son Walter "my dwelling house with all the lands belonging to it as my father bought of Mr. Stone." This was a tract of 350 acres, called St. Leonards, at the mouth of St. Leonard's Creek. 9 September 1663, Thomas Stone of Charles County and Mary his wife convey to Richard Smith of Calvert County a tract of 350 acres at the mouth of St. Leonard's Creek (Lib. BB). In the Calvert County Rent Roll it is entered as follows: "St. Leonards, 350 acres—Surveyed 15 July 1651 for Thomas Stone Gent., near St. Leonard's Creek. Possessor

(1707) Richard Smith." In November 1683, Richard Smith Junior was appointed one of the Commissioners for laying out towns and ports in Calvert County (Md. Arch., vii, 611). In the revolution of 1689 he sided with Lord Baltimore's government and took an active part against the revolutionists. Being captain of a company of foot, he gathered his men and marched with them, under orders from the Council, to Mattapany, where the government was then seated. But the revolutionists appeared in overwhelming force and the garrison of Mattapany was compelled to capitulate. Later, the revolutionary party issued writs for an election of Burgesses, but Captain Smith strongly urged the people of Calvert to hold no election, alleging that the writs were not issued under proper authority, and that the new Assembly was merely intended to approve the illegal acts of Coode and his associates. Michael Taney, High Sheriff of the County, and Capt. Thomas Clagett, the coroner, both refused to hold an election. Richard Smith, Michael Taney, and Cecilius Butler. who had also taken an active part against the revolutionary proceedings, were all imprisoned (Md. Arch., viii, 147–149). Richard Smith made a strong protest against his illegal arrest (ibid., 149-151), and his wife Barbara went to England where she presented, 30 December 1689, a petition to the Commissioners for Trade and Plantation, with a narrative of the troubles in Maryland (ibid., 153-155). Under the new government Capt. Smith was deprived of his commission as captain in the Calvert County militia, and Thomas Tasker was appointed in his place (Md. Arch., xiii, 242). Capt. Smith was Surveyor General of Maryland 1693-94 (Md. Arch., xix, 58; xx, 34, 37). Richard Smith was thrice married. His first wife, married before 1679, was Elizabeth, daughter of Robert and Mary (Mainwaring) Brooke who, with her twin brother Henry, was born at Brooke Place Manor, Calvert County, 28 November 1655 (Magazine, i, 69). Under date of 2 December 1679, Christopher Baines and Ann his wife, and Richard Smith and Elizabeth his wife, obtain a warrant of resurvey for a tract called Brooke Ridge, devised to the said Ann and Elizabeth by the will of their brother Charles Brooke late of Calvert County, Gent., (Land Office, Lib. 20, fol. 285). An abstract of the will of Charles Brooke is given in Baldwin's Calendar, i, 64. Richard Smith married secondly, 13 July 1686, Barbara widow of John Rousby of Calvert County and daughter of Henry Morgan of Kent County (Magazine, ii, 374). In 1697 Richard Smith was married, at Christ Church, Calvert County, to his third wife Maria Johanna widow of Col. Lowther, and daughter of Charles Somerset Esq. of Acton Park, Co. Middlesex, and Ross in Hertfordshire, third son of Lord John Somerset, son of the first Marquis of Worcester (Chancery, Lib. PC., fol.

Richard Smith and his first wife, Elizabeth Brooke, had

issue :---

- i. RICHARD SMITH, 3 mar. Elizabeth widow of Roger Brooke Jr. and daughter of Francis Hutchins (Magazine, i, 187). They had a daughter Margaret Smith 4 who mar. Thomas Wilson.
- ii. ANNE SMITH, mar. William Dawkins. iii. ELIZABETH SMITH, mar. William Tom.

By his second wife, Barbara, he had:—

i. Walter Smith of St. Leonard's, d. 1748. ii. Frances Smith.

iii. Susanna Smith.

iv. BARBARA SMITH, b. 1693; d. 1764; mar. 1°. 1 Jan'y 1712, Thomas Holdsworth, 2°. about 1720, Benjamin Mackall.

Richard Smith and Maria Johanna his third wife, had issue :--

- i. Charles Somerset Smith of Charles Co., b. Feb'y 1698; d. 1738.
- Col. Walter Smith² of Hall's Craft, Calvert County, died in 1711. His will, dated 16 February 1710/1, was proved 4 June 1711. He signed the "Declaration of Calvert County for not choosing Burgesses," 20 August 1689 (Md. Arch., viii, 111),* and the "Address from the Protestants of Calvert County to His Majesty" (ibid., 131). He was commissioned, 4 September 1689, captain of foot in the Calvert County militia (Md. Arch., xiii, 242), and was commissioned Major of the County 17 August 1695 (Md. Arch., xx, 281). After 1706 he is styled "Colonel." By act of Assembly, 17 April 1706, "Col? Walter Smith" and Capt. Richard Smith are appointed members of the commission for laying out towns and ports in Calvert County (Md. Arch., xxvi, 638). Walter Smith represented his County in the Assembly from 1696 to 1704, and from 1708 to 1711 (House Journals). He was elected a vestryman of All Saints Parish, Calvert County, at the organization of the parish, 7 February 1692/3 (Md.

^{*} In the printed Archives his name erroneously appears as "W" Smith," instead of "W" Smith" as in the original.

Arch., viii, 473), and held the position until his death. was present at a vestry meeting 2 April 1711 (Vestry Book), and his will was proved 4 June following, so that he must have died in April or May. He was commissioned one of the Justices of Calvert County 16 May 1694 (Md. Arch., xx, 64) and again 16 October following (ibid., 138). He was added to the Quorum 10 July 1696 (ibid., 465) and was made Presiding Justice of the County 10 May 1699 (Md. Arch., xxv, 75, 108). He was appointed, 1 June 1697, by the Assembly, one of the Commission to treat with the Piscataway Indians (Md. Arch., xix, 530). It would seem that Col. Smith had Jacobite tendencies, since in July 1698 he was required to give security to appear at the next Provincial Court for drinking King James' Health (Md. Arch., xxiii, 461, 468, 469). Col. Walter Smith married in 1686 Rachel, daughter of Richard Hall of Calvert County (d. 1688), who was one of the Burgesses for the County 1666-1670, and 1674-85. Her father names in his will "my daughter Rachel now wife of Walter Smith," and leaves her a tract of 300 acres called Aldermason (Baldwin's Calendar, ii, 32). This tract is devised by the will of Col. Walter Smith to his daughters Rebecca and Elizabeth. Mrs. Rachel Smith was born in 1670 and died 28 October 1730. following entry is found in the Greenfield family Bible:-"Mrs. Rachel Smith wife & Relict of Col. Walter Smith late of Calvert Co. decd departed this life Oct: ye 28th 1730 in ye 60th year of her age & was Interred the 6th of Nov: following." Her will, dated 28 October 1730, was proved 3 February 1730/1.

Col. Walter Smith and Rachel (Hall) his wife had issue:—

i. WALTER SMITH 3 of Hall's Craft, b. about 1692; d. 1734.

ii. RICHARD SMITH of Lower Marlboro, d. 1732.

RICHARD SMITH of Lower Marlboro, d. 1732.
 LUCY SMITH, b. 1688; d. 15 April 1770; mar. 9 May 1705, Thomas Brooke (Magazine, i, 285).
 ELEANOR SMITH, b. 1690; d. 19 Jan'y 1761; mar. 7 June 1709, Col. Thomas Addison of Pr. George's Co.
 ANNE SMITH, b. about 1694; d. 1759; mar. 1°. Francis Wilkinson (d. 22 Feb'y 1724/5), 2°. 5 Aug. 1725, Col. Thomas Truman Greenfield (b. 1682; d. 1733) of Pr. George's Co.
 REPRECOL SMITH b. 1696; d. 18 March 1737; mar. Daniel Dulany

vi. Rebecca Smith, b. 1696; d. 18 March 1737; mar. Daniel Dulany of Annapolis.

vii. ELIZABETH SMITH, mar. 1°. Thomas Jennings of Pr. George's Co., 2°. Humphrey Batt of same County.

viii. MARY SMITH.

WALTER SMITH 3 of St. Leonards, died in 1748. His will, dated 1 Sept. 1748, was proved 18 October following. He

was School Commissioner for Calvert in 1723, and represented the County in the Assembly from 1724 to 1744 (House Journals). He married Alethea, daughter of Nathaniel and Mary Dare of Calvert County. Mrs. Mary Dare mentions her daughter Alethea Smith in her will (dated 17 June, proved 17 December, 1748), and Richard Smith, son of Walter and Alethea, mentions his grandfather Nathaniel Dare in his will (dated 21 September, proved 22 October, 1748). Mrs. Alethea Smith married, secondly, Rev. George Cooke and died 30 January 1753 (Md. Gazette, 1 Feb'y 1753). Walter Smith of St. Leonards and Alethea (Dare) his wife had issue:-

- i. RICHARD SMITH 4 of St. Leonards, d. unmarried 1748.
- ii. WALTER SMITH of Parker's Creek, d. 1748.
 - iii. JOHN SMITH, d. unmarried 1754.
 iv. NATHANIEL SMITH, d. unmarried 1752.
 v. CHARLES SMITH, d. unmarried 1750.
 vi. ALETHEA SMITH, mar. Parker.
- CHARLES SOMERSET SMITH 3 of Charles County was born 5. in 1698 and died in 1738. He gives his age as twenty years in a deposition made in 1718 (Chancery, Lib. PL, fol. 849) and his will, dated 17 November 1738, was proved 20 February 1738/9. His first wife was Jane, daughter of Thomas Crabb of Charles County, who in his will (dated 3 Jan'y, proved 8 March, 1719) mentions "my son-in-law Charles Somerset Smith who married my daughter Jane." His second wife, according to family account, was Margaret, daughter of William Smith. She survived him and married 2°. —— Parrie and 3°. Allen Davies. The account of Margaret Parrie, executrix of Capt. Charles Somerset Smith, late of Charles County deceased, was recorded 28 February 1744, and there is a deed, dated 4 September 1759, from Charles Somerset Smith (son of Charles Somerset Smith late of Charles County deceased, and brother of Richard Smith late of said County deceased) to Allen Davies and Margaret his wife, who was the widow and relict of the said Charles Somerset Smith deceased (Charles Co., Lib. 51, fol. 391). Charles Somerset Smith in his will appoints his wife executrix and names his sons Richard and Charles Somerset, and his daughters Elizabeth, wife of Francis Wilkinson, and Anne, Dicandia, Mary, and Jane. Of these, Elizabeth was evidently the daughter of the first wife, while the two sons were, according to family record, the children of the second wife. With regard to the remaining four daughters the case

is not so clear, though they were probably the children of the first marriage. With this reservation, the issue of Richard Smith and Jane (Crabb his first wife was:-

i. ELIZABETH SMITH, 4 mar. 1°. Francis Wilkinson Jr. of Calvert Co. (d. 1740), 2°. Young Parran of Calvert Co. (b. 1711; d. 1772). ii. Anne Smith, mar. Samuel Parran (brother of Young Parran).

iii. DICANDIA SMITH.

iv. MARY SMITH. v. JANE SMITH.

Charles Somerset Smith and Margaret (Smith) his second wife had issue :--

- i. RICHARD SMITH (twin) b. 13 Oct. 1733; d. in London, unmarried, 1 April 1759.
- 9. ii. Charles Somerset Smith (twin) b. 13 Oct. 1733; d. 1781.
- WALTER SMITH 3 of Hall's Craft, also called "of the Freshes," since Hall's Craft was in the Freshes of the Patuxent not far from Lower Marlboro', was born about 1692 and died in 1734. His will, dated 22 March 1731, was proved 13 March 1733/4. He represented Calvert County in the Assembly from 1719 to 1722 (House Journals), was High Sheriff in 1725, and was a Justice of the County from 1726 until his death. He was Deputy Commissary of Calvert from 1722 to 9 May 1730, when he resigned (Test, Proc.). He was elected church warden of All Saints Parish 10 Nov. 1715, and was vestryman from 7 April 1729 till 4 April 1732, when he was succeeded by his brother Richard (All Saints Vestry Book). Walter Smith married, about 1714, Susanna daughter of Clement Brooke and Jane his wife, daughter of Maj. Nicholas Sewall (Magazine, i, 187, 190). Mrs. Susanna Smith married, secondly, Hyde Hoxton (d. 1754) of Pr. George's County, and had a son Walter Hoxton. She survived her second husband and died in 1767. Her will, dated 23 June 1767, was proved 23 October following.

Walter Smith of Hall's Craft and Susanna (Brooke) his wife had issue :-

10.

- i. Walter Smith, b. about 1715; d. 1743. ii. Dr Clement Smith, d. 1792. iii. Dr Richard Smith, d. 1794; mar. Elizabeth, dau. of Henry Darnall
- of Portland Manor, but had no issue.

 iv. Dorothy Smith, b. 1716; mar. 13 Nov. 1735, Alexander Lawson (b. 1710; d. 14 Oct. 1760) of Calvert Co., later of Baltimore Town.

 v. Rachel Smith, b. 1720; d. 7 Jan'y 1787; mar. Richard Harrison

(d. 1761) of Anne Arundel Co.

vi. JANE SMITH.

- RICHARD SMITH 3 of Lower Marlboro', Calvert County, died in 1732. His will, dated 23 October 1732, was proved 29 December following. He was a vestryman of All Saints Parish from 15 April 1723 till 7 April 1729, and was reelected 4 April 1732 (All Saints Vestry Book). He married Eleanor, daughter of Col. Thomas Addison of Prince George's County, by his first wife Elizabeth daughter of Thomas Tasker. She was born 20 March 1705 and had four husbands:—1°. Bennett Lowe of St. Mary's County, 2°. Richard Smith (d. 1732), 3°. Capt. Posthumus Thornton of Calvert Co. (d. 1738), 4°. Corbin Lee (married 31 Jan'y 1754). Richard Smith and Eleanor (Addison) his wife had issue :
 - i. WALTER SMITH, 4 d. Jan'y 1755. 12.

ii. RICHARD SMITH.

iii. John Addison Smith, of Baltimore Town, d. 8 May 1776. iv. Rebecca Smith, d. 1775; mar. Roger Boyce (d. 1772). v. Rachel Smith. 13.

- WALTER SMITH of Parker's Creek, Calvert County, died in 1748, leaving a will dated 28 August and proved 22 October of that year. His wife was named Sarah, as appears from the register of Christ Church, Calvert County, whence the dates of birth of his children are derived. Walter Smith and Sarah his wife had issue :-
 - i. Walther Smith, b. 12 August 1747. ii. ALETHEA SMITH, b. 23 October 1748.

(To be Continued.)

PROCEEDINGS OF THE SOCIETY.

MONTHLY MEETINGS.

At the December meeting of the Society an amendment to the By-Laws was adopted, the effect of which was to make it possible for the Council of the Society to hold its meetings on some day other than the Thursday previous to the meeting of the Society. Experience has shown that it was not always practicable to have a quorum on the Thursday named in the By-Laws, and the object of the amendment was to insure a meeting of the Council being held in each month. There were added to the roll of the Society by election to membership the following: Dr. Charles McL. Andrews, J. Edward Mohler and C. F. La Serre, and as a corresponding member Orra E. Monette of Los Angeles, Cal. But one death was reported, that of William T. Wilson.

The paper of the evening was presented by William H. Love, who took for his subject, "Two Maryland Heroines."

January, 1908. The first meeting in the new year attracted a larger attendance than usual, and was particularly noticeable for the number of ladies present.

Among the additions announced to the collections of the Society were the Membership roll of the Patapsco Fire Company and the denization Patent of Augustine Herman.

There were elected to membership at this meeting Robert F. Brent, George L. P. Radcliffe, John H. K. Shannahan, Jr., and Samuel Troth, the last named as corresponding member, his residence being in Philadelphia.

Nominations were made for officers of the Society, to be voted for at the annual meeting in February, and as they will appear in full in the report of the annual meeting, are omitted from this report.

"Anna Maria Van Schurman, the Associate of Jean de Labadie" was the title of the address of the evening, which was made by Rev. B. B. James and listened to with much interest by those who were in attendance.

February Meeting. The regular meeting for this month and the annual meeting falling upon the same day, the monthly meeting was confined almost entirely to routine business.

The additions reported as made to the Library were unusually large in number, and one of them, a supplemental pamphlet to the volume by Admiral Gherardi Davis on Regimental colors evoked some discussion as to the authenticity of the flag therein described, and which is now among the flags deposited in the State House at Annapolis. The Memoir of General Dagworthy presented by the Delaware Historical Society attracted more than usual interest by reason of the fact that a Memorial to that distinguished officer of the French and Indian wars is about being erected in Delaware.

The deaths were announced of Stephen A. Cremen and James Ryder Randall, the latter a corresponding member of the Society. But one new member was elected, David Abercrombie.

ANNUAL MEETING.

A more than average attendance of members was present at the annual meeting of the Society on the 10th February. Detailed reports were presented from the several Committees, and those of the officers who under the provisions of the Constitution are required to submit reports, which are here either given in full or nearly so, and will be found to exhibit the work of the past year, and present condition of the Society.

Officers were chosen by ballot for the ensuing year as follows:

President.

MENDES COHEN.

Vice-Presidents.

W. HALL HARRIS.

REV. GEORGE A. LEAKIN, HENRY F. THOMPSON.

Corresponding Secretary. HENRY STOCKBRIDGE. Recording Secretary. BASIL SOLLERS.

Trustees of the Athenœum.

WILLIAM H. GREENWAY. OGDEN A. KIRKLAND, MICHAEL A. MULLIN.

EDWARD STABLER, JR., CHARLES WEBER, JR., J. APPLETON WILSON.

Committee on the Gallery.

ROBERT GARRETT, WILLIAM M. HAYDEN. THEODORE MARRURG. HENRY C. WAGNER.

MILES WHITE, JR.

Committee on the Library.

WALTER I. DAWKINS, RICHARD D. FISHER. CHARLES E. PHELPS,

BASIL SOLLERS. FREDERICK W. STORY. H. OLIVER THOMPSON.

J. SEYMOUR T. WATERS.

Committee on Finance.

R. BRENT KEYSER,

MICHAEL JENKINS,

EDWIN WARFIELD. Committee on Publications.

CLAYTON C. HALL,

BERNARD C. STEINER,

HENRY STOCKBRIDGE.

Committee on Membership.

McHENRY HOWARD.

RICHARD H. SPENCER.

DECOURCY W. THOM.

Committee on Genealogy and Heraldry.

KIRK BROWN. B. BERNARD BROWNE. RICHARD M. DUVALL, JAMES MERCER GARNETT, CHRISTOPHER JOHNSTON, THOMAS E. SEARS.

Committee on Addresses and Literary Entertainments.

WILLIAM HAND BROWNE, JOSEPH B. SETH,

ANDREW C. TRIPPE.

REPORT OF THE COUNCIL.—The Council in accordance with the requirements of the By-Laws submits a report of the activities of the Society during the year 1907. These have been continued as heretofore without any features calling for special notice, and are reported at length by the several standing Committees.

Four numbers of the Maryland Historical Magazine have been issued as due, thus completing the second volume. There is every reason to be satisfied so far with the efforts of the Committee on Publication to make its issue a success.

The Library and Gallery have been kept open as hitherto and have been largely made use of by members and visitors.

Owing to the ill health of Mr. George Norbury Mackenzie, who has served the Society as Recording Secretary for a year and more, and as Secretary of the Council for the same length of time, he has requested the withdrawal of his name from the nomination for office, made at the last meeting of the Society. The Council has felt compelled, though with regret to accede to his wish. Under the terms of the Constitution Mr. Basil Sollers has been nominated for the office of Recording Secretary and his name appears on the ticket before you tonight.

It is with much regret that the Council is made aware of the resignation of the Society's Treasurer, Mr. William Bowly Wilson. He has served it in that capacity for a number of years and has been a faithful and devoted officer, unfailing in his attention to the Society's call and often at personal inconvenience.¹

It is gratifying to be able to announce that the Active membership of the Society shows a net increase during the year of 42 members, as may be noted in the following tabular statement."

MEMBERSHIP OF THE SOCIETY.

Dec.	31, 19	906. Dec	. 31, 190	07.	Gain.
Honorary Members	2		2		
Corresponding Members	69		70		1
Active Members	462		505		43
Associate Members	17	***************************************	25		8
	550		602		52

¹Since the preparation and presentation to the Society of this report, Mr. Wilson consented to withdraw his resignation as Treasurer, if such was the pleasure of the Council, and upon this being made known to the Council Mr. Wilson was unanimously elected as Treasurer on the 20th February.—Ed.

New Corresponding Members 2			
" Associate " 8 }		6	6
" Active " 56			
Losses by Death			
Active Members 10		,	
Corresponding Memoers 1	•••••	1	4
" Resignation 3			
			_
Net	gain	5	2
The losses by death during the year have bee	n as fol	lows:	
ACTIVE MEMBERS.			
	Tuna	1.0	
HUNT, GERMAN H			
HUTTON, N. H. JOHNSON, REVERDY, JR			
McComas, Louis E			
McSherry, James M.			
NIEMAN, EDWARD.			
Pobter, Wm. F.			
SMITH, ROBERT CLINTON.			
WHITRIDGE, JOHN A			
Wilson, Wm. T.			
CORRESPONDING MEMBER.			
Brand, Rev. W. F	. February	18.	
The TREASURER presented the following repo	ort:		
ACCOUNT OF THE SOCIETY PROPE	R.		
Received, Annual dues	2,350.00		
" Interest from Savings Banks	78.93		
"Interest from Investments	188.00		
" From Rents and Janitor Service	206.84		
" Ground Rent	40.00		
" Miscellaneous Items	13.25		
Balance	1,003.45		-
		\$3880.4	7
DR.			
Balance, January 1, 1907	763.09		
Paid Salaries	2,307.96		
Fidelity and Deposit Co. Box	5.00		
Water Rent, Gas and Ice	50.60		
Coal and Wood	241.95		
Furnishings and Repairs	238.41		
Stationery, Printing and Postage	211.50		
Sundries ,,,,,	61.96	\$2000 A	7
		\$3880.4	1

STATE OF MARYLAND ACCOUNT.

(PUBLICATION OF ARCHIVES OF MARYLAND.)

Balance on hand January 1st, 1907	\$1,926.71	
(Which includes \$1,000. due from the State for 1907	7.)	
State appropriation due July 1st, 1907	1,000.00	
From sale of Archives	200.40	
		-\$3,127.11
To Editing Vol. 27		
" Publishing Vol. 27		
"Binding, &c	225.00	
" Copying	200.00	
" Stationery	5.00	
	\$2,303.84	
Balance	. ,	
Joint Control of the		-\$3,127.11
REPORT OF COMMITTEE ON PUBLIC	ATION	
	LILLOIN.	
On hand January 1st, 1907		
Interest from Investments		
Sale of Publications	48.30	
		-\$1,428.90
Transferred to credit of Magazine account		
Balance	,	
,		\$1,428.90
ACCOUNT OF COMMITTEE ON LIBRA	ARY.	
Balance on hand January, 1907	\$ 779.95	
Interest from Investments		
		\$1,187.45
Paid for Books, Periodicals, Binding		, .,
Balance		
		\$1,187.45

The TRUSTEES of the ATHENÆUM reported as to the condition of the property, what had been done during the year in the direction of maintaining the repair of the building, and the insurance now in force, which showed:

Insurance on Building	.\$30,000.
Insurance on Painting and Statuary	6,500.
Insurance on Books and Manuscripts	20,000.
Insurance on Furniture and Fixtures	6,500.

and concluded with a recommendation that the amount of the insurance on both the building and its contents should be increased.

The Committee on the Gallery reported the withdrawal during the year of sixteen paintings and one engraving, which had previously been deposited with the Society by Mrs. Charles Carroll Mactavish, and that their places had been filled by the deposit of about the same number of pictures, among them being a portrait of Mrs. Edmund Law, née Custis, a grand-daughter of Mrs. Martha Washington, and a portrait of her husband, Edmund Law, both of these having been painted by Gilbert Stuart. The visitors to the Gallery during the year numbered 1851 or a little over 200 more than in the preceding year.

The COMMITTEE on FINANCE presented a report that it had examined the securities in which the Peabody Fund, the Stickney Fund, and other moneys of the Society were invested, and found them correct, and gave a list of such investments.

The COMMITTEE ON THE LIBRARY reported additions to the Library as follows:

By purchase:

04 1 41 1		
31 volumes of books	\$123.10	
3 pamphlets	4.22	
1 Current New York Newspaper	5.60	
3 Current Baltimore Newspapers	11.25	
1 Atlas	6.00	
Manuscripts (including Baltimore County Taxables		
1732. \$13. Muster rolls, etc.)	31.15	
Current Magazines	19.75	
Expended for Binding	46.20	
	. ——	\$247.27

By gift:

328 volumes of books.

311 pamphlets.

⁴ Volumes of Bound Newspapers, and 8 odd numbers.

Manuscripts as follows:

Act of Denization—Augustine Herman. Perils of a Surveyor of the Customs in Maryland, 1775. Memorabilia of Shrewsbury Parish. Letters of George Peabody.

Photographs and Prints as follows:

James R. Randall.
Governor Robert Eden.
George Calvert, 1st Lord Baltimore.
Cecilius Calvert, 2nd " "
Charles Calvert, 3rd " "
Benedict Leonard, 4th " "
Charles, 5th " "
Frederick, 6th " "
Leonard, 1st Governor.

1 Scrap Book—Peggy Stewart papers and accompanying letters from $Baltimore\ News.$

The Committee also reported that the Court Record of Kent County noted in the last Annual Report had been copied, and certain portions indexed; also that the Records of St. Andrews Parish, St. Mary's Co., had been copied and indexed; also the Records of the German Evangelical Church of Frederick, Md., as far as they had been obtained by the Committee.

The Committee on Publications reported that the publication of the Maryland Historical Magazine had been successfully continued during the past year, and it was felt by the Committee that under the wise editorship of Dr. Browne the standard had been fully maintained if not actually raised during the second year of publication. The actual cost of Volume II, when outstanding bills are paid, will be.....\$1,212.82 Less receipts from advertisements, subscriptions, sales 672.32 Leaving a deficiency of.......\$540.50 for meeting which appropriations have been made from the Publication Fund and Magazine Guarantee Fund sufficient for that purpose.

The deficiency during the first year of the *Magazine* was \$675.18, indicating an improvement to the amount of \$134.68.

The deficiency last year was made up by appropriations as follows: From the Publication Fund......\$540.00

From the Magazine Guarantee Fund135.18

Volume XXVII of the Archives, has been published and distributed to members entitled to receive copies.

Volume XXVIII is in course of preparation, and, like its predecessor, will contain a continuation of the Assembly Proceedings in order to bring this series up to the date to which the Council proceedings have already been published.

The report of the COMMITTEE on MEMBERSHIP after alluding to the present numerical condition of the Society, continues: "We call attention to the fact, however, that the nct gain shown of 42 Active Members is principally due to the efforts of a few of our members, who interested themselves specially in inducing their friends to join the Society. It is only in that way that the membership can be increased or kept up, as very few are prompted to join this or similar societies of their own motion. Until the Maryland Historical Society is aided, as it ought to be, by an income from a permanent endowment fund, it is dependent upon the annual dues of its Active and Associate Members to meet its ordinary, current expenses. The endowment fund at present consists of the Peabody bequest of \$20,000, one-half of the income from which is for additions to the Library and one-half for publication expenses, and the Stickney bequest of \$1,000; no other bequests have been made to the Society, it is believed, in the long course of its existence. importance of keeping up and increasing the membership is therefore evident and it would be a great help if more members would interest themselves to that end.

"We call attention to one other matter. Formerly only residents of Baltimore City were eligible to membership, with the privileges of the Society, and that is the explanation of our present large list of 71 non-paying Corresponding Members. But now that under the present Constitution any resident of the State may be an Active Member, and non-residents even

may be Associate Members with all of the privileges except that of voting, there is no reason why Corresponding Members should be elected except in a few special eases and it is hoped that such nominations will not be made as formerly."

The COMMITTEE on ADDRESSES reported a list of the various papers read before the Society during the year. These were:

Jan. 14.—"Reverdy Johnson." By Dr. Bernard C. Steiner, a member of the Society.

March 11.—"The Mason and Dixon Line." By Dr. Edward B. Mathews, a member of the Society.

April 8.—"The Acadians (French Neutrals) transported to Maryland." By BASIL SOLLERS, a member of the Society.

May 13.—"The Creation and Development of American Administration." By JOHN PHILLP HILL, a member of the Society.

Oct. 14.—"The Indian meaning of Patapsco and other Maryland Geographical names according to William Wallace Tooker." By Charles Weathers Bump, a member of the Society.

Nov. 11. - "Some Early Citizens of Western Maryland." By T. J. C. WIL-LIAMS, a member of the Society.

Dec. 9.—"Two Maryland Heroines." By WM. H. Love, a member of the Society.

LIST OF MEMBERS OF THE MARYLAND HISTORICAL SOCIETY.

HONORARY MEMBERS.

CORRESPONDING MEMBERS.

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APPLEGARTH, A. C	.Oneida Heights, Huntington, Pa.
ASHBURNER, THOMAS	.1215 Marquette Bldg., Chicago, Ill.
BATTLE, K. P	
BELL, HERBERT C	. Pitchin, Ohio.
BIGELOW, JOHN	.21 Grammercy Park, New York.
BIXRY, WM. K	.58 Oakley Sq., London, W. C., Eng.
BLACK, J. WILLIAM	.24 Chaplin St., Waterville, Me.
BRAISIER, WILLIAM	.26 Liberty St., New York.
Ввоск, R. А	.517 W. Marshall St., Richm'd, Va.
BROOKS, WILLIAM GRAY	.16 Pemberton Sq., Boston, Mass.
Brown, Alexander	. Norwood, Nelson Co., Va.
Bruce, Philip A	. Richmond, Va.
Buel, C. C	.33 E. 17th St., New York.
CHAILLE-LONG, COL. C	.146 C St., N. E., Washington, D. C.
COCKEY, MARSTON ROGERS	.117 Liberty St., New York.
COLLETT, OSCAR W	.3138 School St., St. Louis, Mo.
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DE WITT, FRANCIS	. Ware, Mass.
DORSEY, MRS. KATE COSTIGAN	. Cong. Library, Washington, D. C.
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WOOD, HENRY C	
WORTHINGTON, JOSEPH M	. 88 Unuren St., Annapous, Md.

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(Where no P. O. address is given, Baltimore is understood.)

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ALEXANDER, JULIAN J	25 St. Paul St.
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OUNES, DEENCES C

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KIRK, JOSEPH L	
KIRKLAND, OGDEN A	The second secon
KNOTT, A. LEO.	•
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Room, Charles G	.2000 E. Daitimore St.
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LATROBE, OSMUN	
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McCormick, Dr. Thomas P	
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McDowell, Edward G	
McElderry, Horace C	
McGaw, George K	.Charles and Mulberry Sts.
MACGILL, RICHARD G., JR	.309 Exchange Place.

MACHEN, ARTHUR	W 36 Central Savings Bank Bldg.
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· ·	The Severn.
	805 Cathedral St.
	903 Cathedral St.
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MANN, HARRY E.	
	BE 14 W. Mt. Vernon Place.
	L 700 Maryland Trust Bldg.
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,	VARD BJohns Hopkins University.
	CAlbemarle St. and Canton Ave.
	s F Albemarle St. and Canton Ave.
	P., JRFrederick, Md.
	Casualty Bldg.
MILLER, DECATUR H	H., Jr 506 Maryland Trust Bldg.
MILLER, EDGAR G.	646 Equitable Bldg.
MITTED WATTED I	Care of Burton Bros.,
172121211111111111111111111111111111111	348 Broadway, New York.
	(020 = 2000 (100) 2.011 2.022
MOHLER, J. EDWA	BD The Rochambeau.
MOHLER, J. EDWA. MORGAN, G. EMOR	BDThe Rochambeau. Y6 Club Road, Roland Park.
Mohler, J. Edwar Morgan, G. Emor Morgan, John Hu	The Rochambeau. Y
MOHLER, J. EDWA. MOBGAN, G. EMOR MORGAN, JOHN HU MORRIS, JOHN T	### The Rochambeau. The Rochambeau. The Rochambeau. Column
MOHLEB, J. EDWA: MOBGAN, G. EMOR MOBGAN, JOHN HU MOBRIS, JOHN T MOBRIS, HON. THO	## The Rochambeau. The Rochambeau. The Rochambeau. Comparison of Club Road, Roland Park. The Rochambeau. Comparison of Club Road, Roland Park. Comparison
MOHLEB, J. EDWAL MOBGAN, G. EMOR MOBGAN, JOHN HU MOBRIS, JOHN T MOBRIS, HON. THO MOSELY, DR. WILLI	## The Rochambeau. The Rochambeau. Roch
MOHLEB, J. EDWAL MOBGAN, G. EMOR MOBGAN, JOHN HU MOBRIS, JOHN T MOBRIS, HON. THO MOSELY, DR. WILLI MULLER, LOUIS	## The Rochambeau. ## 6 Club Road, Roland Park. ## 10 E. Fayette St. ## 215 N. Charles St. ## MAS J. 708 Park Ave. ## 14 M. Howard St. ## 304 Chamber of Commerce.
MOHLEB, J. EDWAL MOBGAN, G. EMOR MOBGAN, JOHN HU MOBRIS, JOHN T MOBRIS, HON. THO MOSELY, DR. WILLI MULLER, LOUIS MULLIN, MICHAEL	The Rochambeau. The Rochambeau. Company
MOHLER, J. EDWAL MOBGAN, G. EMORY MOBGAN, JOHN HU MOBRIS, JOHN T MOBRIS, HON. THO MOSELY, DR. WILLI MULLER, LOUIS MULLIN, MICHAEL MURDOCK, FRIDGE.	BD
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